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Tennessee. Laws, statutes, etc.  
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A C T S

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THE STATE OF TENNESSEE,

PASSED BY THE THIRD SESSION OF THE

THIRTY-SIXTH GENERAL ASSEMBLY.

1870-71.

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PUBLISHED BY AUTHORITY.

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NASHVILLE, TENN.:

JONES, PURVIS & CO., ..... PRINTERS TO THE STATE.

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1871.





**PUBLIC ACTS**  
**OF**  
**THE GENERAL ASSEMBLY**  
**OF THE**  
**STATE OF TENNESSEE,**

Passed by the Third Session of the 36th General Assembly,  
*Which was begun and held at Nashville, on Monday, the*  
*Fifth day of December, in the year of Our Lord*  
*one thousand eight hundred and seventy.*

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**CHAPTER I.**

**AN ACT** to Protect the Interest of the State by Reason of the Issuance of bonds of the State to the Mineral Home Railroad Company.

**WHEREAS**, on the 2nd day of October, 1869, the Governor of the State issued one hundred bonds of the State Preamble.  
to the President of the Mineral Home Railroad Company; and

**WHEREAS**, doubts are entertained as to whether said bonds were legally issued or not, and whether or not the State is bound for the payment of said bonds, and the interest accruing thereon; therefore,

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee*, That the payment of said bonds, or coupons clipped from said bonds, be, and the same are hereby, for the present, suspended, until it shall be decided by a court having competent jurisdiction as to the obligation of the State arising from the issuance of said bonds. Payment suspended.

**SEC. 2.** *Be it further enacted*, That the Comptroller of the Treasury, and the Treasurer of the State, are hereby expressly prohibited from paying either of said bonds or the Compt'r nor Treas'r to pay or receive.

coupons clipped from said bonds, out of the assets in the treasury of the State, or from receiving them in payment of any of the dues of the State in any way whatever, until the decision of the courts referred to in section 1 of this Act is had and determined.

Attorney-genl  
to secure as-  
sets.

SEC. 3. *Be it further enacted*, That the Attorney-general for the State be, and he is hereby directed to take such immediate action as will secure, for the use and behalf of whom it may concern, the money for which said bonds, so issued, were sold; and all the individual subscription of stock in said Mineral Home Railroad Company, which, when collected, shall be paid into the treasury of the State, and there held for the especial purpose of remunerating the holders of said bonds, so issued to said Mineral Home Railroad Company.

Institute suit.

SEC. 4. *Be it further enacted*, That the Attorney-general of the State be, and he is hereby instructed to institute suit in the name of the State, against such officers, agents and all other persons of the State as may have rendered themselves liable to the State by their complicity in the above recited fraud, and also against the following persons, viz: C. T. Grewer, Jacob H. Norris, J. C. Donnelly, J. W. M. Grayson, Charles Lepler, William Jones and David Slimp, as also all other persons who may have been stockholders in said Mineral Home Railroad Company, to recover from them the value of the bonds so fraudulently obtained.

And Criminal  
proceedings.

SEC. 5. *Be it further enacted*, That the Attorney-general shall also institute such criminal proceedings, as may now be allowed by law, against the parties guilty of the above recited frauds, to the end that they may be punished for the same, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed July 1, 1870.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved December 6, 1870.

D. W. C. SENTER,  
*Governor.*

## CHAPTER II.

AN ACT Directing the Attorney-General to Institute suits in the Circuit Courts of the State against Railroad Receivers and their Sureties,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Attorney-general of the State is hereby directed to institute in the name of the State, suits in the Circuit Courts of the county or counties in which the various Receivers of railroads, or any one or more of the sureties on their bonds, reside, to recover of said Receivers and their sureties the amount of any bonds of the State by them fraudulently received, or by them illegally received, or by them fraudulently or illegally disposed of by sale or otherwise; or for the proceeds of bonds, legally received and legally disposed of, which they have appropriated to any other use than that prescribed by law, or for any damages that the State has sustained because of their failure faithfully to discharge their duties as such Receivers, and for their failure from time to time, to settle with the Comptroller as required by law, and to account for the bonds received by them, or their value, or for their rents, issues and profits, that came to his or their hands as such Receivers. Fraudulent or illegal.  
Legally.  
Failure to settle.

SEC. 2. *Be it further enacted*, That the Attorney-general will also join in the same action by process or publication as to non-residents or by attachment against the property of any non-resident defendant, any agent of said Receiver or Receivers, who was employed in the sale of said bonds, and the same were sold contrary to law, or who had anything to do with said illegal sale of the bonds, or in the conversion of them in any mode other than what is authorized by law. Non-residents

SEC. 3. *Be it further enacted*, That, as the public welfare requires it, this Act shall take effect from and after its passage.

Passed July 8, 1870.

W. O'N. PERKINS.

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Approved Dec. 6, 1870.

D. W. C. SENTER,

*Governor.*

## CHAPTER III.

AN ACT to Require of the Attorney-General and Reporter the performance of additional duties than are now required by law.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Comptroller of the Treasury *Comptroller's* is hereby authorized to call upon the Attorney-General and Attorney- for the State; and it is hereby made the duty of said Attorney-General, in addition to the other duties now required of him by law,

1. To attend to all the business connected with the management of the Treasury of the State, or debts due and owing to the State, or debts or liabilities claimed *State Treas'y.* against the Treasury of the State, or suits brought against the Comptroller of the Treasury before any court in the State where such litigation may be pending.

2. To give to the Comptroller of the Treasury, and the *Legal opin'ns.* Treasurer, when called on, written legal opinions on all matters submitted by them in the discharge of their official duties.

3. To attend to any other legal duty which the Comptroller of the Treasury and the Treasurer may require of him, connected with the Treasury. *Other duties.*

4. That the Attorney-general and Reporter, appointed *Att'y-gen'l's* by the Judges of the Supreme Court, shall keep his office office. in the Capitol, at Nashville, and the Superintendent of the Capitol shall furnish him with the necessary room.

SEC. 2. *Be it further enacted*, That the public welfare requires that this Act take effect from and after its passage. Passed July 8th, 1870.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved Dec. 6th, 1870.

D. W. C. SENTER,  
*Governor.*

## CHAPTER IV.

AN ACT to License Billiard Tables, Jenny Lind and Pool Tables, and Ten Pin Alleys.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the various County Court Clerks of this State, be, and they are hereby authorized to issue <sup>Co. Court Clks to License.</sup> a license to any person or persons applying for the same, to keep a billiard table, Jenny Lind table, pool table, ten pin alley, at any one place in the country, and the said license shall continue for one year from the date of its issuance.

SEC. 2. *Be it further enacted*, That before said clerk shall issue the license aforesaid, the applicant shall pay <sup>Amount of License.</sup> said clerk for the use of the State of Tennessee, the following sum of money: Twenty-five dollars apiece on each billiard table or Jenny Lind table, pool table or ten pin alley.

SEC. 3. *Be it further enacted*, That each county or corporation shall have the right to tax the same; *Provided*, <sup>Tax, fine, etc.</sup> That in no case they shall exceed the State tax. Any person who shall erect, put up or keep for gain or for charge, without license to, any person using the same, either a billiard table or Jenny Lind table, pool table or ten pin alley, shall be fined not less than fifty dollars for each and every offence.

SEC. 4. *Be it further enacted*, That the clerk shall receive two dollars for each license that he may issue under the provisions of this Act. All laws or parts of laws that come in conflict with this Act, be, and the same is hereby repealed. <sup>Clerk's fees, etc.</sup>

SEC. 5. *Be it further enacted*, That An Act passed March 12, 1860, entitled "An Act to license billiard tables," <sup>Act repealed.</sup> be, and the same is hereby repealed; and that this Act shall take effect from and after its passage, the public welfare requiring it.

Passed July 8, 1870.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved December 12, 1870.

D. W. C. SENTER,  
*Governor.*

## CHAPTER V.

AN ACT to Increase the Revenue of the State by Taxing Skating Rinks.

Amounts of  
Taxes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be unlawful to keep open any place of amusement for gain or profit, commonly called a "Skating Rink," until the proprietor or proprietors thereof shall pay to the State a tax for each Skating Rink, in a city or town of twenty thousand inhabitants, one hundred dollars; in a city or town of ten thousand inhabitants, and up to twenty thousand inhabitants, fifty dollars; in a city or town of less than ten thousand inhabitants, twenty-five dollars; and that the tax on Skating Rinks in the several counties of this State, where they may be established, shall go to the Common School Fund of such county.

SEC. 2. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed July 7, 1870.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
D. B. THOMAS,  
*Speaker of the Senate.*

Approved December 12, 1870.

D. W. C. SENTER,  
*Governor.*

## CHAPTER VI.

AN ACT to Fix the Pay of Sheriffs or other Officers conveying Prisoners to the Penitentiary.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Sheriffs or other county officers Pay of guards conveying convicts to the Penitentiary, shall be allowed pay and mileage only for the guards who actually accompany the prisoners; and pay and mileage shall only be received for one prisoner by each guard.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.  
Passed December 8, 1870.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved December 13, 1870.

D. W. C. SENTER,  
*Governor.*

## CHAPTER VII.

AN ACT to Amend Sections 5430 and 5431 of the Code in Relation to Jail Fees.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the law which regulates the fees Monthly collections of Sheriffs and Jailers be so changed as to allow Jailers to collect their fees monthly, both State and county.

SEC. 2. *Be it further enacted*, That the fees of Jailors be taxed separate from the general bills of costs of criminal cases. That all State cases be properly proven and sworn to before the clerk of the Criminal or Circuit Court of his county, and certified to the Comptroller for payment after being carefully examined and certificates of the Judge and Attorney-general affixed thereto.

SEC. 3. *Be it further enacted*, That the fees for county prisoners be referred monthly to the Judge or Chairman of the County Court for inspection, who shall audit the same and cause the Clerk to issue a warrant for the amount presented.

SEC. 4. *Be it further enacted*, That all laws in conflict with the foregoing amendment, so far as it pertains to jailers' fees, be and the same is hereby repealed.

SEC. 5. *Be it further enacted*, That if, after hearing of any case in any of the courts upon which the costs of Jailers' fees, or any part thereof, has been paid as provided in this Act, any of the sum be collected off of the defendant, the same be placed in the State Treasury or County Treasury to reimburse the State or County. This Act to take

effect from and after its passage, the public welfare requiring it.

Passed Dec. 8, 1870.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved Dec. 13, 1870.

D. W. C. SENTER,  
*Governor.*

## CHAPTER VIII.

AN ACT to Attach the County of Franklin to the Middle Tennessee Land District.

*Be it enacted by the General Assembly of the State of Tennessee,* That the County of Franklin be detached from the Eastern and attached to the Middle Tennessee Land District; and that the public good requiring, this Act shall take effect from and after its passage.

Passed Dec. 8, 1870.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved Dec. 13, 1870.

D. W. C. SENTER,  
*Governor.*

## CHAPTER IX.

AN ACT For the Better Security of the Public Money.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That hereafter it shall be the duty of Collectors to Collectors, or other public officers, having charge of public money, to deposit all public moneys coming into their hands, in the public depository, fixed by law, or with the deposit funds.



Treasurer; and all such officers now having such funds in their possession, or on deposit elsewhere, shall at once proceed to pay over the same to the depository, fixed by law, <sup>Same.</sup> or with the Treasurer.

SEC. 2. *Be it further enacted*, That any person violating the provisions of the first section of this Act, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined not more than one thousand dollars, and be removed from office. <sup>Fine, etc.</sup>

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.  
Passed Dec. 13, 1870.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved Dec. 19, 1870.

D. W. C. SENTER,  
*Governor.*

## CHAPTER X.

AN ACT Fixing the Times and Places of Holding the Chancery Courts in the Ninth Chancery Division.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Chancery Courts of the Ninth Chancery Division of the State of Tennessee, shall hereafter be held at the times and places hereinafter mentioned, to-wit:

At Charlotte, Dickson county, first Mondays of January and July.

At Camden, Benton county, the second Mondays of January and July. <sup>Where and when to be held.</sup>

At Waverly, Humphries county, the third Mondays of January and July.

At Centreville, Hickman county, the fourth Mondays of January and July.

At Linden, Perry county, second Mondays of February and August.

At Decaturville, Decatur county, third Mondays of February and August.

At Lexington, Henderson county, fourth Mondays of February and August.

At Purdy, McNairy county, first Mondays of March and September.

Same.

At Savannah, Hardin county, second Mondays of March and September.

At Waynesboro, Wayne county, third Mondays of March and September.

At Lawrenceburg, Lawrence county, first Mondays of April and October.

At Newberg, Lewis county, fourth Mondays of April and October.

Returns of  
process.

SEC. 2. *Be it further enacted*, That all process, which is now, or may hereafter be made, returnable to any other time than that fixed by this Act, shall be transferred to the time fixed by this Act, and shall have as full force and effect as though no change of time had been made; and the public welfare requires that this Act shall take effect from and after its passage.

Passed December 13, 1870.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Approved Dec. 19, 1870.

D. W. C. SENTER,

*Governor.*

## CHAPTER XI.

AN ACT to Define the Meaning of the "Act to Authorize Notaries Public in this State to take Acknowledgments and Proofs to Instruments required for Registration," chapter LXXI, approved July 8, 1870.

Clerks of Co.  
Courts.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That nothing in "An Act to authorize Notaries Public in this State to take acknowledgments and proof to instruments required for registration," chapter LXXI, approved July 8, 1870, shall be so construed as to prevent Clerks of the County Courts from taking the acknowledgment and proof of any instrument of writing required for registration by the laws of this State in the same manner and to the same extent as said Clerks were authorized to do before the passage of said Act; and as the

public welfare requires it, this Act shall take effect from and after its passage.

Passed Dec. 14, 1870.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved Dec. 19, 1870.

D. W. C. SENTER,  
*Governor.*

## CHAPTER XII.

AN ACT to Grant Further Time for Commencing the Construction Railroads and Street Railroads, within the State of Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That additional time of three years be, and is hereby granted for the commencement of the construction of railroads, and street railroads, heretofore authorized to be constructed within the limits of the State of Tennessee, by the Legislature thereof; *provided,* that nothing in this Act shall be so construed as extending or continuing State aid to any railroad or street railroad company. This Act to take effect from its passage, the public good requiring it.

Three years,  
time given.

Passed Dec. 15, 1870.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved Dec. 19, 1870.

D. W. C. SENTER,  
*Governor.*

## CHAPTER XIII.

AN ACT to Repeal Section 3 of An Act entitled "An Act on Behalf of the Mediterranean and Oriental Steam Navigation Company."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section 3 of An Act entitled "An Act on the behalf of the Mediterranean and Oriental Steam Navigation Company," passed January 26, 1870, be, and the same is hereby repealed.

SEC. 2. *Be it further enacted*, That this Act shall take effect from and after its passage, the public good requiring it.

Passed December 14, 1870.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Approved December 19, 1870.

D. W. C. SENTER,

*Governor.*

## CHAPTER XIV.

AN ACT to Allow the Town of Chestnut Mound, in Smith County, an Additional Justice of the Peace.

Jurisdiction,  
powers, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the town of Chestnut Mound, in the county of Smith, be, and the same is hereby allowed an additional Justice of the Peace, with the jurisdiction and powers of like officers in this State, to be elected by the qualified voters within the corporate limits of said town.

SEC. 2. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare requiring the same.

Passed December 13, 1870.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Approved December 19, 1870.

D. W. C. SENTER,

*Governor.*

## CHAPTER XV.

AN ACT to Change the Time of Holding the Circuit Courts of Warren County, Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter the Circuit Courts for the county of Warren and State of Tennessee, shall be opened and held on the fourth Mondays in January, May and September; and that all civil process heretofore and hereafter to be issued is made returnable to said days, instead of the first Mondays in February, June and October; and all criminal process hereafter issued, shall be returnable at the times stated for holding said Circuit Court. Returns of Process.

SEC. 2. *Be it further enacted*, That the public welfare requires that this Act should take effect from and after its passage.

Passed December 14, 1870.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved December 19, 1870.

D. W. C. SENTER,  
*Governor.*

## CHAPTER XVI.

AN ACT to Establish the County of Bell, in honor of that Distinguished statesman, Patriot, and son of Tennessee, the late Hon. John Bell.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a new county be, and the same is hereby established, to be composed of fractions taken from the southern portions of Fayette, Hardeman and McNairy counties, to be known and designated by the name of Bell County, in honor of that distinguished statesman and son of Tennessee, the late Hon. John Bell. Parts of Fayette, Hardeman and McNairy.

SEC. 2. *Be it further enacted*, That the beginning corner of Bell County, and the boundary thereof, shall be as follows, viz: Beginning at a stake in McNairy County, Boundary.

Boundary  
Line.

six miles east of the Hardeman County line and six miles north of the State line of Mississippi, and running thence on a parallel with the old State line, west across the county of Hardeman to the Fayette County line; thence south eighty-five degrees west twelve miles and thirteen poles, to a stake, eleven miles due south of the town of Somersville, in Fayette County; thence west to the county line of Shelby County; thence south with the Shelby County line to the State line of Mississippi; thence east with said State line to a stake due south of the beginning of the survey of said new county; thence north to the beginning; containing, by estimation and actual survey, three hundred and thirty-seven miles.

Commiss'rs.

SEC. 3. *Be it further enacted*, That for the purpose of organizing the county of Bell, that the following named persons, to-wit: John G. Gooch, of the county of McNairy; and John H. McClellan, M. Lambeth and David C. Wells, of the county of Hardeman; and Wiley B. Jones, Edward Steger and N. H. Isabel, of the county of Fayette, shall be and they are hereby appointed Commissioners, and shall take an oath before some Justice of the Peace to faithfully and impartially discharge the duties imposed upon them by this Act, a majority of whom may act in all cases; and they shall keep a record of their proceedings and return the same to the County Court of Bell county at its first session, for file therein.

Election.

SEC. 4. *Be it further enacted*, That said Commissioners be and they are hereby directed, to cause an election to be held, after giving twenty days' notice, at such time as they may deem best, in three or more places in each of the fractions stricken off from Hardeman and Fayette, and one in McNairy county, for the purpose of ascertaining whether a constitutional majority of the people residing in those fractions are in favor of or opposed to the establishment of Bell County; and all male citizens of the United States and of this State of the age of twenty-one years, and being a resident in said fraction in which he may offer his vote six months next preceding the day of election, shall be entitled to vote; and those who favor the establishment of Bell County shall have written or printed on their tickets "New County," and those opposed to same, the words "Old County;" and the judges and other officers appointed by the Commissioners to hold said election, shall make out and return to said Commissioners the result of the election held at each place; and if a constitutional majority of the votes cast in each fraction be in favor of the new county of Bell, then said new county of Bell is hereby de-

Voting, etc.

clared to be a new county, with all the privileges, powers, and advantages, and subject to all the liabilities with other counties of this State.

SEC. 5. *Be it further enacted*, That if said county is established in accordance with the fourth section of this Act, it shall be the duty of said Commissioners to give public notice of that fact, and shall proceed to lay off said new Civil Districts county into such a number of civil districts as they may think proper; after which the said Commissioners shall, upon giving thirty days' public notice, in three or more different places in the fractions taken off from the counties of Fayette, Hardeman and McNairy, appoint such persons as they may deem suitable to open and hold an election for the location of the county seat of said county of Bell, and for the election of county officers; and such persons so appointed, shall be, and they are hereby invested with full power and authority to appoint deputies, County Seat. clerks and judges; and by himself and deputies administer all necessary oaths; and to do and perform all other duties as is by law required of Sheriffs and other officers holding similar elections; and that the officers holding said elections shall make returns of the same to said Commissioners, who shall compare the votes and declare the result of the election.

SEC. 6. *Be it further enacted*, That in said election for the location of the county seat of said county, voters shall have written or printed on their tickets the name of the Voting. place they desire said county seat to be located; and the point or place receiving in said election the largest number of votes cast in the county is hereby declared to be the county seat of said new county of Bell.

SEC. 7. *Be it further enacted*, That it shall be the duty of the Commissioners to immediately forward to the Governor the names of the persons elected Justices of the Peace at said election, and the Governor shall cause commissions to be issued to the said persons without delay; Justices of the Peace. and the Justices of the Peace so elected and commissioned for the term of six years, shall, on the first Monday of the first month after receiving their commissions, meet at the place designated as the county seat of said county of Bell, and proceed to elect from their number a chairman, and organize the County Court, elect such officers as are allowed other counties of the State not chosen by the people, and qualify and take the necessary bonds from the county officers elect, and take general control of the county, and at which time the term of office with the duties of the same of the aforesaid Commissioners shall cease.

SEC. 8. *Be it further enacted*, That it shall be the duty

Com'rs to lay off. of the County Court of said county of Bell to elect five suitable persons who shall serve as commissioners, whose duty it shall be to procure by purchase or otherwise, a suitable site for the seat of justice in said county; and having first caused a deed to be made to themselves and assigns, with general warranty to a sufficient quantity of land, including the site so situated, may cause a town to be laid off thereon, with as many streets and alleys as they may deem sufficient, with a suitable square for the erection of public buildings.

Buildings. SEC. 9. *Be it further enacted*, That said commissioners shall superintend the erection of such public buildings as the County Court of Bell county shall order; shall let the same and take bonds from undertakers with ample securities and penalties, payable to themselves and successors in office, conditioned for the faithful performance of their contract.

Courts. SEC. 10. *Be it further enacted*, That for the convenience of the citizens, and for the administration of justice, that the county and circuit courts of said county of Bell shall be temporarily held at such places as may be designated by said commissioners in the place selected by the vote of the people, as hereinbefore provided, as their county seat, until the public buildings for said county shall be completed, or other arrangements made, and notice of which shall be given to the clerks of the several courts in said county by the commissioners herein appointed; after which time they shall be held at the Court House in the county of Bell.

13th Circuit. SEC. 11. *Be it further enacted*, That the county of Bell shall be attached to the thirteenth judicial circuit, and the Circuit Courts in said county shall be held on the ——— Monday in the month of ——— in each year, and to the ——— Chancery Division, and the Chancery Courts for said county shall be held on the ——— Mondays in the months of ——— in each year.

Judge and Chancellor. SEC. 12. *Be it further enacted*, That when said County Court or Commissioners shall have provided a suitable place for holding courts, it shall be the duty of the Judge and Chancellor presiding in the circuit and division to which Bell county is hereby attached, to open and hold regularly at the county seat of Bell county, a term of their courts, to commence respectively on the first Mondays after the holding of the last court for each term in their circuit or division, under the same rules and regulations governing other courts in this State; *provided*, that in all cases when litigants in the courts of either of the old counties from which Bell county was taken, shall desire it, the same may, by order of the courts, be transferred to the



county seat of Bell for trial therein; provided no portion of McNairy county shall be attached to said new county without the consent of two-thirds of the voters residing in said fraction proposed to be stricken off.

SEC. 13. *Be it further enacted*, That the County Court of Bell county when organized, shall be authorized to <sup>Compensation</sup> make such appropriations as they may think proper, to the commissioners appointed under this Act to compensate them for their necessary expenses and trouble.

Passed Dec: 16, 1870.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved Dec. 20, 1870.

D. W. C. SENTER,  
*Governor.*

## CHAPTER XVII.

### AN ACT to Declare the Rights of Common Carriers.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all common carriers and express companies doing business within the limits of this State, shall, after the receipt of freight or merchandise for delivery at their warehouse, depot or station, notify the consignee by written or printed notice, to be delivered to the consignee in person at his place of business, if in the city or town where received; or if not residing or doing business in the city or town, then through the post-office within three days after the arrival of said goods. <sup>Notice to consignee.</sup>

SEC. 2. *Be it further enacted*, After said freight or merchandise has been held at the said warehouse, depot or station uncalled for and not taken by the consignee, for the period of six months and one day from the date of the arrival of said goods at said ware house, depot or station, it shall be lawful for said common carrier and express company, to send said goods to one of the principal offices in the State to be sold for charges. <sup>Freight may be sold.</sup>

SEC. 3. *Be it further enacted*, After said freight or merchandise, has been held by said express company for the period of six months and one day and giving notice

Notice and advertisement.

to the consignor, if known, by written or printed notice, to be transmitted through the mail, placed in the post-office at least thirty days before the day of sale, it shall be lawful for said express company to advertise said goods that have not been taken by the consignees, and advertise the same in one or more of the daily papers in such principal city, the said advertisement to be inserted on each Wednesday of the month preceding the sale, specifying each article to be sold, and stating date of sale and place of sale.

Money to be held.

SEC. 4. *Be it further enacted*, After the sale has been made, the money received for the sale of such articles of merchandise, after deducting charges, shall be sent to the principal office in the State, there to be held for the benefit of the owners of the goods sold—a sworn copy to be kept at the office where the sale has been made, and a sworn copy, certified to by the auctioneer, to be sent to the principal office where the money is to be deposited; and they shall also notify the person or persons, if known, who shipped the goods or packages after being in the warehouse six months, as they are required to notify the person to whom the same was sent. This Act to take effect from and after its passage, the public welfare requiring it.

Passed December 13, 1870.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved December 20, 1870.

D. W. C. SENTER,  
*Governor.*

## CHAPTER XVIII.

AN ACT to Change the Line between the Counties of Coffee, Franklin, Cannon and Coffee, Giles and Lawrence, Wilson and Rutherford, Roane and Loudon.

Coffee and Franklin.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the line between the counties of Coffee and Franklin, be so changed as to detach from

Franklin and attach to Coffee the following boundaries, viz: Beginning at or near the three water holes on the line of Franklin and Coffee; thence south 48° west to the old Shelbyville and Winchester road, by the Flat Creek; thence north-west with said road to the Bedford County line; thence with the Bedford County line to the line of Coffee County; *Provided*, That the parties so detached from Franklin and attached to Coffee County shall pay their taxes for 1870 to the tax collector for Franklin County. Boundary.

SEC. 2. *Be it further enacted*, That the said citizens detached from Franklin County be attached to the 13th civil district of Coffee County.

SEC. 3. *Be it further enacted*, That the line between the counties of Coffee and Cannon be so changed as to include the lands of Newton Jarnagin in Coffee County, commencing in said Jarnagin's south boundary line where it crosses the line between the counties of Coffee and Cannon; thence east to his south-east corner; thence north with his line to his north-west corner; thence west to said county line. Coffee and Cannon.

SEC. 4. *Be it further enacted*, That the line between the county of Wilson and the county of Rutherford be so changed as to include in the county of Rutherford so much of the county of Wilson as will be included by beginning at the Rutherford county line, Kinchen Patterson's, running north with the district line between districts No. 17 and 18 of Wilson county, to Joby Carson's, on Fall Creek; thence up said creek to Tharp and Simmons' mill; thence east with the road including C. Gilliland, Esq.; thence east to said creek again; thence with said creek including E. Preston on the south and leaving Len Phelps on the north; thence east to the Statesville road north of Daniel B. Smith's; thence with said road to the top of the ridge east of Ryal Perruals; thence with the top of said ridge to the Cannon county line. Wilson and Rutherford.

SEC. 5. *Be it further enacted*, That the line between Giles and Lawrence counties be, and the same is hereby changed so as to include ninety acres of land belonging to Emery Hughes within the county of Lawrence, the said ninety acres of land being contiguous to said line between said counties of Giles and Lawrence. Giles and Lawrence.

SEC. 6. *Be it further enacted*, That the line between the counties of Roane and Loudon be so changed as to run with the land line of the farms of B. F. Cooly and W. C. Burnett, leaving said lands entirely in the county of Roane. Roane and Loudon.

SEC. 7. *Be it further enacted*, That this Act take effect forty days after its passage.

Passed December 15, 1870.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved December 19, 1870.

D. W. C. SENTER,  
*Governor.*

## CHAPTER XIX.

AN ACT for the Benefit of W. E. Owen, guardian of Charles D. and Jennie Craighead.

WHEREAS, A judgment was obtained in the Circuit Court of Davidson county, at its May Term, 1869, in favor of W. E. Owen, guardian, against Andrew Johnson, keeper of the penitentiary, for the sum of \$506.80; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Comptroller issue his warrant to the State Treasurer in favor of said W. E. Owen aforesaid guardian, for five hundred and six dollars and eighty cents, with interest thereon; and that as the public welfare requires it, this Act shall take effect from and after its passage.

Passed July 8, 1870.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved December 20, 1870.

D. W. C. SENTER,  
*Governor.*

## CHAPTER XX.

AN ACT to Amend An Act to Fund the Floating Debt of the State,  
passed February 24, 1870.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That no railroad company shall here-  
after be allowed to discharge the due interest of its in-  
debtedness to the State, in bonds or coupons of bonds, un-  
less such payment is made in past due bonds or past due  
coupons of the bonds of the State of Tennessee. Past due  
Bonds.

SEC. 2. *Be it further enacted*, That any provisions in the  
Act to fund the floating debt of the State, passed Februa-  
ry 24, 1870, inconsistent with this Act, be, and the same  
is hereby repealed, so far as it applies to due interest; and  
that this Act take effect from and after its passage, the  
public welfare requiring it. Repealed.

Passed December 16, 1870.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved December 21, 1870.

D. W. C. SENTER,  
*Governor.*

## CHAPTER XXI.

AN ACT to Amend Section 6 of Chapter 87, of the Acts of 1867-8,  
fixing the compensation of the tax collector of privileges for the  
County of Shelby.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the passage of this  
Act, that the collector of taxes on privileges for the  
county of Shelby, in the performance of his duties, shall  
receive five per cent. on the gross amount of revenue  
actually collected and paid over, to be paid out of the  
money collected and the kind of money collected. How paid.

SEC. 2. *Be it further enacted*, That so much of the sixth  
section of chapter 87, of the Acts of 1867-8, passed

Repealed.

March 4, 1868, as are inconsistent with the provisions of this Act is hereby repealed; and that this Act take effect from and after its passage, the public welfare requiring it.  
Passed December 16, 1870.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved December 21, 1870.

D. W. C. SENTER,  
*Governor.*

## CHAPTER XXII.

AN ACT to Fix the Time for Holding the Circuit and Chancery Courts in Rutherford County.

When to be held.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter the Circuit Court shall be held at Murfreesboro, in the county of Rutherford, on the second Mondays of March, July and November; and that the Chancery Court in said county be held on the fourth Mondays of April and October.

Repealed.

SEC. 2. *Be it further enacted*, That so much of An Act passed June 25, 1870, as is in conflict with this Act be, and the same is hereby repealed.

Process.

SEC. 3. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare requiring it; and that all process returnable to the January Term, 1871, of the Chancery Court shall be returnable to the fourth Monday in April, 1871.

Passed December 20, 1870.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved December 21, 1870.

D. W. C. SENTER,  
*Governor.*

## CHAPTER XXIII.

AN ACT to Amend the Act of 1870, chapter 79, for the sale of Interest of the State in Delinquent Railroad Companies, passed July 1, 1870.

WHEREAS, In the recent attempt to sell the State's interest in said roads, various legal questions arose, presenting serious obstacles to a sale under the Act of 1870, which it is deemed expedient and necessary to obviate before the interest of the State in said roads shall be again offered for sale; and *whereas*, by the Act of 1852, chapter 151, section 12, the right is expressly reserved to the State, to enact all such laws in the future as should be deemed necessary to protect the interest of the State, and to secure the State against any loss in consequence of the issuance of bonds under the provisions of said Act in such manner as not to impair the vested rights of stockholders of the companies; therefore,

Preamble.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a bill shall be immediately filed in the Chancery Court at Nashville, in the name and behalf of the State, to which all the delinquent companies, the respective stockholders, holders of the bonds, creditors, and all persons interested in the said several roads shall be made parties defendants, and shall be brought before the court in the mode prescribed by the rules of practice in chancery established in the State, except as otherwise herein provided. And said court is hereby invested with the exclusive jurisdiction to hear, adjudicate and determine all questions of law and matters of controversy of whatever nature, whether of law or of fact that have arisen or that may arise touching the rights and interest of the State, and also of the stockholders, bondholders, creditors and others in said roads; and to make all such rules, orders and decrees interlocutory and final as may be deemed necessary in order to a final and proper adjustment of the rights of all the parties, preliminary to a sale of the interest of the State in said road. Also to declare the exact amount of indebtedness of each of said companies to the State; and likewise to define, as may be thought proper, what shall be the rights, duties and liabilities of a purchaser of the State's interest in said roads, or either of them, and what shall be the reserved rights of said companies, stockholders, and others respectively, as against said purchasers after such sale, under the existing laws of this State.

Bill to be filed.

Jurisdiction.

Indebtedness, etc.

Special Term.

SEC. 2. *Be it further enacted*, That the Judge of said court is hereby empowered and specially requested to appoint a special term of said court to be held on the first Monday in March, 1871, for the purpose of expediting a speedy determination of the various matters contemplated by this Act; and it shall be the duty of the Clerk of said court immediately on the filing of said bills, to issue process and make publication in the manner before indicated, requiring the defendants to appear at said special term; and the defendants shall be severally required at said term to put in such defense to said bills as they may respectively deem proper, provided that it be consistent with the Code. And in order to save expense, said parties, or any of them, may, in person or by Attorney, with the consent of the Attorney for the State, make an agreed case, submitting all such questions as they may think proper, to the immediate decision of the court. And it is further provided, that in the discretion of the court, formal pleadings may be dispensed with by a simple statement on the record of the points or matters relied upon by the parties and sought to be decided by the court.

Pleading, etc.

Accounts,  
Adjourned  
Term, etc.

SEC. 3. *Be it further enacted*, That if an account, on behalf of either of the parties, shall seem to the court proper and necessary, touching any matters of fact in issue between the parties, an immediate reference of the same shall be made to the Clerk and Master, or, if thought preferable, to such special commissioner as the court may appoint, who shall proceed at once to take such account, and make report to an adjourned term of the court, within such period as the court shall limit, not exceeding twenty days from the date of the decree ordering the account. And at such adjourned term, final action shall be had upon said report. But the taking of such account shall not postpone the determination of all such questions of law presented by the parties as are not involved in the matters of account ordered to be taken.

Com'rs to file  
bill.

SEC. 4. *Be it further enacted*, That competent counsel shall be retained on behalf of the State, by the Commissioners, whose duty it shall be, immediately on the passage of this Act, to file a bill in said Chancery Court, so framed as to elicit a determination by the court, of all questions of law and matters of controversy now existing, or that may hereafter arise between the State and any or all of the parties interested in said roads, and to conduct the suit and superintend its progress, with a view to the speediest practicable determination; and for such services, said counsel shall be paid a fair compensation out of the public treasury of the State.



SEC. 5. *Be it further enacted*, That upon a final decree being made by the Chancellor, settling the rights of the parties, either party shall have the right of appeal on writ of error to the Supreme Court, in the usual mode, except, Appeals, etc. that the time for prosecuting a writ of error is hereby limited—in view of the urgent public necessity for a speedy determination—to thirty days from the final decree; and, in case of an appeal or writ of error to the Supreme Court, a transcript of the record or such part thereof as may be thought necessary, shall be filed in the office of the Supreme Courts at Nashville, within said period of thirty days.

SEC. 6. *Be it further enacted*, That in case of an appeal or writ of error to the Supreme Court, as herein provided for, the Judges thereof, in view of the pressing exigencies of the State, are hereby specially empowered, and respectfully requested, as soon as the transcript of the record shall be filed in the office of said court, if then in session, to take up and finally dispose of the case, in preference to all other cases on the docket, and, if not in session, to appoint a special term for the immediate hearing of the same. To take precedence.

SEC. 7. *Be it further enacted*, That in case any of the said railroad companies should decline a contest with the State, in regard to the sale of the State's interest in their roads, a sale may at once be made, and, upon the final determination of any controversy that may arise between the State and any of said railroad companies, in the Chancery or Supreme Court, the interest of the State, in such roads, shall immediately be brought to sale by the Commissioners. Sales, etc.

SEC. 8. *Be it further enacted*, That a specific value shall be fixed upon the State's interest, in each of said roads, by the decree of the court, and the Commissioners shall be authorized to dispose of the same at such valuation, either at public or private sale, as they may judge most advisable; and, if a sale of any of the roads cannot be made at such valuation, the same shall be sold for the highest price that can be obtained. Valuation.

SEC. 9. *Be it further enacted*, That the interest of the State in either of said railroad companies may be sold on time, and the amount agreed to be paid by the purchasers may be discharged in any of the outstanding legal bonds of this State; but a sale on time shall be upon the following expressed conditions: Time sales.

The purchaser at the time of sale, shall pay, or deliver to the Governor, at least one-fourth of the amount agreed to be paid, in legal bonds of the State, and shall execute a bond with sufficient security, to the Governor, for the delivery of the remainder of the bonds to be paid at inter- Terms.

Forfeitures.

vals of one, two and three years from the date of the sale, in like legal bonds of the State, and also to pay into the Treasury from the time of his purchase, an amount equal to the interest accruing semi-annually, from the remaining three-fourths of the bonds, to be thereafter delivered by him, until the whole amount shall be delivered to the Governor; said interest to be paid as the coupons mature, and it is expressly declared that the failure of the purchaser to pay or deliver to the Governor, any subsequent installment of bonds as above provided, when the same shall fall due, shall work an absolute forfeiture to the State, of all and every payment previously made; and in addition, his interest in such road shall be re-sold by the Commissioners, after forty days' notice, to meet the default in payment by him.

Franchises transferred.

SEC. 10. *Be it further enacted*, That upon the sale of any of the franchises of either of the railroad companies by the Commissioners under the provisions of this Act, all the rights, privileges and immunities appertaining to the franchise so sold, under its Act of incorporation and the amendments thereto, and the general improvement law of the State, and Acts amendatory thereof, shall be transferred to and vest in such purchaser, and the purchaser shall hold said franchise, subject to all liens and liabilities in favor of the State as now provided by law against the railroad companies.

Failure to pay interest on bonds.

SEC. 11. *Be it further enacted*, That whenever hereafter any existing railroad company, to which bonds of the State have been issued or loaned, or any railroad company to be hereafter created, shall fail to pay to the State the interest due thereon for the benefit of the bondholders, or should fail to pay in as required by law the sinking fund, they may be proceeded against in the Chancery Court at Nashville, in the same manner as is above provided in regard to existing delinquent railroads.

SEC. 12. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed December 21, 1870.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Approved December 22, 1870.

D. W. C. SENTER,

*Governor.*

## CHAPTER XXIV.

AN ACT to Extend the Jurisdiction of the Circuit and Chancery Courts of Gibson County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the jurisdiction of the Circuit and Chancery Courts of the county of Gibson, held in the town of Trenton, be so extended as to embrace the twentieth and thirteenth civil districts of said county of Gibson, now subject to the special courts at Humboldt. 20th and 13th Districts.

SEC. 2. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed December 20, 1870.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved December 22, 1870.

D. W. C. SENTER,  
*Governor.*

## CHAPTER XXV.

AN ACT to Preserve the School Fund.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Secretary of the State, the Comptroller of the Treasury, the Treasurer of the State, and the Governor, are hereby constituted a Board of Commissioners, to examine into and report the condition of the fund received by the State of Tennessee, through its officers, from the Tennessee National Bank of Memphis, and they will, when the correct amount is ascertained, cause to be issued, payable to the Treasurer of the State, for the use of Common Schools, a certificate of indebtedness, bearing interest at the rate of six per cent. per annum, payable annually at the office of the Comptroller of the State, in Nashville, and upon which certificate shall be printed: "This certificate, with interest thereon, belongs to the Common School Fund." Board of commissioners.  
  
Certificates.

To receive  
past due  
coupons.

SEC. 2. *Be it further enacted*, That said Commissioners shall receive from the Treasurer the sum of two hundred and seventy-three thousand and twenty-two dollars and seventy-two cents, (\$273,022.72,) in coupons past due and clipped from the bonds of the State, and the sum of one thousand eight hundred and twenty-five dollars in coupons; and the Comptroller of the Treasury, when said coupons are funded as herein provided, shall cause the same to be cancelled as now provided by law.

Certificate of  
indebtedness.

SEC. 3. *Be it further enacted*, That the Commissioners shall ascertain the amount of said fund, and interest thereon, used by the Comptroller of the Treasury in payment of the indebtedness of the State, and cause to be issued for the amount so ascertained, a certificate of indebtedness similar in kind and character and amount, as provided for in the first section of this Act.

Custodian of  
same.

SEC. 4. *Be it further enacted*, That the Treasurer of the State shall be the custodian of said certificate, and he shall execute to the Comptroller of the Treasury his receipt for the same; and the books of the Secretary of State and of the Comptroller's office, shall contain a correct copy of said certificate, and state the purpose for which it was issued.

Interest on  
same.

SEC. 5. *Be it further enacted*, That as fast as the semi-annual interest on said certificate matures, the Treasurer shall collect the interest due thereon, and place the same to the credit of the School Fund, and distribute the same *pro rata* amongst the respective counties of the State, according to their scholastic population, paying the same over to the County Trustee, to be paid out according to law; and if the interest at the time it matures cannot be paid out of the Treasury, then it shall be funded as provided in the previous sections of this Act.

SEC. 6. *Be it further enacted*, That the public welfare demands that this Act shall take effect from and after its passage.

Passed December 9, 1870.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved December 22, 1870.

D. W. C. SENTER,  
*Governor.*

## CHAPTER XXVI.

AN ACT to Amend an Act entitled "An Act to Establish the County of Crocket," passed July 7, 1870.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Act of July 7, 1870, entitled "An Act to establish the County of Crocket," be so amended, that the Commissioners named therein, their successors or agents, shall be authorized and empowered to so change, alter or modify said lines fixed in said Act, as not to infringe upon the constitutional limits of the counties of Madison, Gibson and Dyer; *provided*, that this section shall not be construed to invalidate any past act or acts of the Commissioners of said county, or their agents or successors, in conformity with said Act to establish the County of Crocket. Com'rs may change line.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it. Passed December 21, 1870.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
D. B. THOMAS,  
*Speaker of the Senate.*

Approved December 22, 1870.

D. W. C. SENTER,  
*Governor.*

## CHAPTER XXVII.

AN ACT to Amend the Laws in Relation to Pleading and Practice in Criminal Cases in this State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the defendant may in all criminal cases, enter a motion to quash the indictment or presentment, which motions shall be entered and acted upon by the courts. Motion to quash.

SEC. 2. *Be it further enacted*, That the defendant may in all criminal cases demur to the indictment or presentment, and shall be permitted, as a matter of right, to plead over to the indictment or presentment, upon the overruling. Demurrer.

ing of the demurrer, without reference to the grade of the crime or misdemeanor or charge in said indictment.

Former conviction.

SEC. 3. *Be it further enacted*, That in all criminal cases in which a defendant shall have been brought before a Justice of the Peace under the provisions of the small offense law, and shall have submitted and been fined in manner and form as now provided by law, and shall thereafter be indicted or presented for the same identical offense as a felony, said defendant may plead said former conviction as a bar to any conviction of a misdemeanor under said indictment or presentment for felony; *provided*, the jury shall find said plea of former conviction valid under the present laws of this State.

Passed December 14, 1870.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Approved December 19, 1870.

D. W. C. SENTER,

*Governor.*

## CHAPTER XXVIII.

AN ACT to Legalize the Acts of E. W. Sanderson as Entry Taker for Blount County.

WHEREAS, The County Court for Blount county, did, at its — Term, 186—, elect one E. W. Sanderson, then County Surveyor for Blount county, to the office of Entry Taker for said county; and,

Preamble.

WHEREAS, The said E. W. Sanderson did perform some services as Entry Taker under said Act of the County Court aforesaid, authorizing him so to do; and,

WHEREAS, A difference of opinion as to the right of an individual to act in the capacity of County Surveyor and Entry Taker, at one and the same time, may lead to useless and costly litigation; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the acts of the said E. W. Sanderson, as Entry Taker, are hereby declared to be valid to the same extent, and to have the same force, as if they had been performed by a legally elected Entry Taker, who

Acts made valid.

held no other office; *provided*, that nothing herein contained shall be so construed as to injuriously effect or impair any existing legal right which may have been acquired by any person before the passage of this Act. Proviso.

SEC. 2. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed July 8, 1870.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved July 9, 1870.

D. W. C. SENTER,  
*Governor.*

## CHAPTER XXIX.

AN ACT to Amend Section 116, Chapter 67, of An Act passed February 25, 1870, entitled "An Act to Authorize Wm. Foster to Build a Turnpike Road across Walden's Ridge, and for other purposes."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section 116, Chapter 67, of An Act passed February 25, 1870, entitled "An Act to authorize Wm. Foster to build a Turnpike Road across Walden's Ridge, and for other purposes," be, and the same is so amended as to read as follows: That the Trustees of the Ashland Academy, in the town of Waynesboro, in the county of Wayne, are hereby authorized to sell the Male Academy, in the town of Waynesboro, and the lot on which said building stands, and that they apply the proceeds of said sale to the payment of outstanding accounts against the Female Academy, and the improvement of said Female Academy, and for educational purposes, as said Trustees may choose. Trustees of Ashland Academy.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring the same.

Passed July 8, 1870.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved July 9, 1870.

D. W. C. SENTER,  
*Governor.*

## CHAPTER XXX.

## AN ACT to Declare Elk River Navigable.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That that part of Elk River, lying in Grundy County, Tennessee, from the Franklin County line to the Big Spring, near John Burrough's, be, and the same is hereby declared navigable.

Election to assess tax.

SEC. 2. *Be it further enacted*, That the County Court of Grundy County, at its July quarterly term, may, after giving ten days' notice of the same, by printed hand bills or written notice, order an election, submitting the question of "taxation" or "no taxation" to the qualified voters of said county, for the purpose of raising a sufficient sum of money to clear the obstructions from said river; and if a majority of the voters of said county shall vote in favor of "taxation," then the said court is authorized to levy and collect the same, not to exceed the State tax on property and polls.

How to be paid out.

SEC. 3. *Be it further enacted*, That when said tax is collected, it shall be paid into the hands of the County Trustee, upon giving bond and good security for its faithful application, to be paid out upon the order of three commissioners to be appointed by the County Court of Grundy County, to superintend said work of clearing obstructions in said river as provided by this Act.

Vested rights.

SEC. 4. *Be it further enacted*, That the provisions of this Act shall not interfere with the vested rights of any person living within the bounds mentioned by the first section of this Act; and the public welfare requiring it, this Act shall take effect from and after its passage.

Passed July 8, 1870.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved July 9, 1870.

D. W. C. SENTER,  
*Governor.*



## CHAPTER XXXI.

AN ACT to Amend Sections 4410, 4411, 4412, 4444, 4445, of the Code of Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That sections 4410 and 4411, of the Code of Tennessee, giving Chancellors power as well in vacation as in term time, to hear and determine motions, and to make interlocutory orders and decrees, which may be necessary or proper to prepare the case for final hearing; and authorizing Chancellors, as well in vacation as in term time, in cases where decrees or orders have been made, to make further orders, and to issue such writs and process as may be necessary to carry into effect such decree or order; and sections 4444, 4445 and 4446, authorizing motions to be made for the dissolution of injunctions in vacation, be so amended that in all cases in which the Chancellor of the Division in which any cause is pending, shall be incompetent, that the Chancellor of any adjoining Division shall have the same power in vacation, to make all such orders and decrees, issue all such process, and dissolve, restore or modify injunctions, to appoint Receivers, and do and perform any other duty that may now be performed by the Chancellor of the Division, as provided by said sections 4410, 4411, 4412, 4413, 4414, 4415, 4416, and sections 4444, 4445, 4446. But notice of such application shall be the same as to time and place, as is prescribed for taking depositions. Powers of Chancellors.  
Orders or decrees.  
Injunctions, etc.  
Notice.

SEC. 2. *Be it further enacted*, The party making such application, shall state by affidavit, that the Chancellor is incompetent. This Act to take effect from and after its passage, the public welfare requiring it. Affidavit.

Passed July 6, 1870.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved July 9, 1870.

D. W. C. SENTER,  
*Governor.*

## CHAPTER XXXII.

AN ACT to Regulate the Return of Mesne and Final Process in the Courts of Shelby County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That after the passage of this Act, all mesne and final process issuing from the now existing Superior Courts of Law and Chancery in Shelby county, shall be made returnable to the first days of the terms of the Circuit and Chancery Courts established and provided for by the Act passed December 4, 1869, entitled "An Act to establish the Circuit and Chancery Courts of Shelby county;" *provided*, however, that all such process as may have been issued previous to the passing of this Act, returnable to the first days of the terms of said Superior Courts, as they existed, or may exist previous to the organization of said Circuit and Chancery Courts under said Act of December 4, 1869, shall be returnable at such times as may be in said process directed, to whichever of said latter Courts the records of the Court from which said process may have been issued or required to be transferred; and such process shall be valid as though the same had been issued after the organization of said Courts, and been made returnable to the first days of their said terms; and all pleadings shall be filed within the times from such return days of such mesne process as is provided by law, when such process is returnable to the first days of the terms of such Courts next ensuing their issuance; and all garnishees shall answer as they may be summoned before such Courts, as the process with which they may have been served shall be returned to as hereinbefore required.

When return-  
able.

Proviso.

Pleadings, etc

SEC. 2. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed July 8, 1870.

W. O'N. PERKINS

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Approved July 9, 1870.

D. W. C. SENTER,

*Governor.*

## CHAPTER XXXIII.

## AN ACT to Regulate the Width of Gates on Public Roads.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all gates twelve feet wide, and provided for by law on public roads, may be reduced to nine feet in width. Nine feet.

SEC. 2. *Be it further enacted*, That the County Courts may order or permit the erection of gates nine feet wide on such roads as are not of a class above second class.

SEC. 3. *Be it further enacted*, That all laws or parts of laws in conflict with this Act, be, and the same is hereby repealed. Repealed.

SEC. 4. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed July 8, 1870.

W. O'N. PERKINS.

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Approved July 9, 1870.

D. W. C. SENTER,

*Governor.*

## CHAPTER XXXIV.

AN ACT to Prevent the Conflict of Jurisdiction of the Chancery Courts, when the Chancellors interchange, or when a Chancellor is holding the Court of another Chancellor.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That when any Chancellor of any Division in this State, shall, by interchange, hold the Chancery Court in another Chancery Division, the Chancellor assigned to hold the Courts in said last mentioned Chancery Division, may hold any other Courts in said last mentioned Chancery Division at the time fixed by law, while said first mentioned Chancellor may be engaged in holding court, by interchange, as aforesaid. May interchange.

SEC. 2. *Be it further enacted*, That this Act shall take

effect from and after its passage, as the public welfare requires it.

Passed July 8, 1870.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved July 9, 1870.

D. W. C. SENTER,  
*Governor.*

## CHAPTER XXXV.

AN ACT Directing the Speakers of the Senate and of the House of Representatives to Append Certificates of facts to the Bills Passed at the First Session of the Thirty-Sixth General Assembly, and Signed by them During the Present Session.

Preamble. WHEREAS, At the first session of the Thirty-sixth General Assembly, certain bills were passed by both Houses, which, for some cause, were not signed by the Speakers of the House or of the Senate, and the Speakers of said Houses having been advised that they now have the constitutional right to sign said bills, and a resolution to that effect has passed both Houses of the General Assembly; but doubts being expressed as to said powers; Therefore,

Statement, or Certificate, etc. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That at the time of signing said bills, the Speakers of the Senate and of the House of Representatives, shall attach to each bill or Act, a statement or certificate of facts showing when said bill passed its final, both in the House and in the Senate—the number of votes it received upon its final passage in each House, at what session of the General Assembly it passed, the date they signed the same, and whether or not signed in open session; and the said certificate or statement of facts thus appended to each bill or Act, may [be] read as evidence in all the courts of this State, as to the truth of the facts

therein contained. And this Act shall take effect from and after its passage, as the public welfare requires it.

Passed July 7, 1870.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved July 9, 1870.

D. W. C. SENTER,  
*Governor.*

## CHAPTER XXXVI.

AN ACT to Amend the Laws Upon the Subject of Trespass Upon Property and Malicious Mischief.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That sub-section 8 of section 4652, of the Code, be so amended as to read: "To knowingly, wilfully and wantonly cut down and destroy valuable timber of another, whether the owner be personally present forbidding the same or not." Sub-section 8 of 4652 of Code.

SEC. 2. *Be it further enacted*, That sub-section 9, of section 4652 of the Code, be so amended as to read as follows: "To knowingly or wilfully destroy or carry away the rails or boards, wood or other lumber of another." Sub-sec. 9.

SEC. 3. *Be it further enacted*, That sub-section 10, of section 4652, be so amended as to read: "To wilfully and wantonly break or throw down, mar, deface or otherwise injure any fence, hedge or ditch, inclosing the land of another." Sub-sec. 10.

SEC. 4. *Be it further enacted*, That to enter upon the garden, orchard or improved or inclosed lands of another, and wilfully or wantonly to sever, destroy, carry away or injure the trees, shrubs, grain, grass, hay, fruit or vegetables there being, shall be declared to be a misdemeanor. This Act to take effect from and after its passage, the public welfare requiring it. Misdemeanor

Passed January 11, 1871.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved January 20, 1871.

D. W. C. SENTER,  
*Governor.*

## CHAPTER XXXVII.

AN ACT to Amend An Act passed March 2, 1870, entitled "An Act to Restore the Eastern Division Fair at Knoxville, Tennessee."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Chapter 107 of the above entitled Act be amended as follows: Strike out the names of John Williams, James S. Boyd, John Woods, George W. Mabry, C. W. Charlton, David Richardson, and W. A. Henderson, and insert the words, "the stockholders."

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it. Passed January 14, 1871.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved January 20, 1871.

D. W. C. SENTER,  
*Governor.*

## CHAPTER XXXVIII.

AN ACT for the Benefit of Sheriffs.

Preamble. WHEREAS, It is provided by the Code of Tennessee, Section 4,564, that the County Courts may allow the Sheriffs, for *ex officio* services, not exceeding fifty dollars; and,

WHEREAS, It is believed that this amount is not a sufficient compensation in many of the counties for such services; Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the County Courts of the different counties in this State shall, at their first quarterly term, in each and every year, make such allowance as they in their discretion shall think sufficient to compensate their Sheriffs for such *ex-officio* service.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same is here-

by repealed; and that this Act take effect from and after its passage, the public welfare requiring it.

Passed January 11, 1871.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved January 20, 1871.

D. W. C. SENTER,  
*Governor.*

## CHAPTER XXXIX.

AN ACT to Change the Time of Holding the Chancery Courts at Jackson, in Madison county, and at Spencer, in Van Buren county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Chancery Court at Jackson, <sup>Jackson.</sup> in Madison county, shall hereafter be held on the 4th Mondays in April and October every year.

SEC. 2. *Be it further enacted*, That the Chancery Court at Spencer, in Van Buren county, shall hereafter be held <sup>Spencer.</sup> on the first Thursdays after the third Monday in May, and the first Monday in November; and all process, reports and other proceedings, shall be returnable and made to the terms of said Chancery Courts at Jackson and <sup>Process.</sup> Spencer, as provided in this Act, and shall have the same force and effect as though said Courts were held at the times now fixed by law. This Act shall take effect from and after its passage, the public welfare requiring it.

Passed January 18, 1871.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved January 20, 1871.

D. W. C. SENTER,  
*Governor.*

## CHAPTER XL.

AN ACT to Change the Time of Holding Certain Courts in the Third Chancery Division of this State.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the Chancery Courts of Meigs, Rhea, Cumberland, Bledsoe and Hamilton counties shall be held hereafter at the times hereinafter mentioned, to-wit: Meigs, second Mondays of March and September; Rhea, Thursday after second Mondays of March and September; Cumberland, third Mondays of March and September; Bledsoe, Thursday after third Mondays of March and September; Hamilton, second Mondays of April and October.

When to be held.

Return of process.

**SEC. 2.** *Be it further enacted,* All process, orders, reports, bonds and other proceedings shall be returnable and made to the terms herein provided for, and have the same force and effect therein as though the Courts had been holden at the times now provided by law.

Repealed.

**SEC. 3.** *Be it further enacted,* That so much of Section 1, Chapter 47, of An Act passed 30th of June, 1870, entitled "An Act to fix the times for holding the Chancery Courts," as is in conflict with this Act, is repealed; and this Act shall go into effect from and after its passage, the public welfare requiring the same.

Passed January 16, 1871.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved January 20, 1871.

D. W. C. SENTER,  
*Governor.*

## CHAPTER XLI.

AN ACT to Establish the County Line between the Counties of Sullivan and Carter.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That James G. Smith, Wm. C. Em-



mert and Samuel A. Cunningham, of the county of Carter; and John Wolf, R. P. Fickel and the Surveyor of the county of Sullivan; and John Bowman and G. W. St. John, of the county of Washington, be, and they are hereby appointed commissioners to re-survey and establish the line between the counties of Carter and Sullivan, beginning at the corners of Washington, Carter and Sullivan counties, near the residence of the Widow Humphreys, thence with the line between the counties of Sullivan and Carter to the top of the Holston Mountain.

SEC. 2. *Be it further enacted,* That said commissioners shall mark and establish the boundaries or line between the aforesaid counties, and file a plat of their operations in the office of the Secretary of State, and also in the Register's office of the counties of Sullivan and Carter. Com'rs to re-survey.  
To file plat.

SEC. 3. *Be it further enacted,* That a majority of the aforesaid commissioners shall be competent to perform the duties set forth in the preceding section.

SEC. 4. *Be it further enacted,* That the line which may be established by said commissioners shall be recognized both in law and equity, as the legitimate boundary line between the aforesaid counties of Carter and Sullivan. Legitimate.

SEC. 5. *Be it further enacted,* That said commissioners shall be paid by the respective counties, the amount to be determined by the County Courts of each county. This Act to take effect from and after its passage, the public welfare requiring it. How paid.

Passed January 14, 1871.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
D. B. THOMAS,  
*Speaker of the Senate.*

Approved January 20, 1871.

D. W. C. SENTER,  
*Governor.*

## CHAPTER XLII.

AN ACT to Repeal "An Act to Authorize A. Gattinger to Index Certain Surveys in the Old District of West Tennessee, and for other purposes."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That "An Act to authorize A. Gat-

tinger to index certain surveys in the old district of West Tennessee, and for other purposes," passed February 19, 1869, be, and the same is hereby repealed; and as the public welfare requires it, this Act shall take effect from and after its passage.

Passed December 20, 1870.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved January 20, 1871.

D. W. C. SENTER,  
*Governor.*

## CHAPTER XLIII.

AN ACT Directing Suits to be Brought in the Name of the State of Tennessee, by the Attorney-General, Against Railroad Companies, their Officers, Agents and Stockholders.

Preamble,

WHEREAS, There has been information furnished this General Assembly that various railroad companies of this State, through their officers, have fraudulently obtained the issuance of the bonds of the State, and also have obtained other bonds contrary to the provisions of the general internal improvement laws of the State, and the express provisions of the several Acts granting to them State aid, and also have disposed of said bonds in direct violation of law, and also have illegally appropriated the proceeds to other uses than that prescribed by law, and that the interests of the State demand that suits should be instituted for redress in the name of the State; Therefore

What roads to  
institute suits  
against.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Attorney-general of this State shall, forthwith, in the name of the State, institute suits in the Chancery Courts of the County of the place of business, of the Knoxville and Kentucky Railroad Company, of the Knoxville and Charleston Railroad Company, of the Rogersville and Jefferson Railroad Company, of the Mineral Home Railroad Company, of the East Tennessee and Western North Carolina Railroad Company, of the South-western Railroad Company, of the Edgefield and Kentucky Railroad Company, of the McMinnville and Manchester Railroad Company, of the Memphis, Clarksville and Louisville Railroad Company, of the Nashville and North-western Railroad Company,

of the Winchester and Alabama Railroad Company, of the Cincinnati, Cumberland Gap and Charleston Railroad Company, and the Tennessee and Pacific Railroad Company, and against their Presidents, Directors, Agents, and Stockholders, and all other person or persons having had anything to do with the receipt or sale of any of the bonds of the State, issued in aid of either or all of said railroad companies, enjoining said railroad companies, their officers or agents, from disposing in any way of any of the bonds in their possession that may have been issued to them; and also asking of the court, on the final hearing, for a decree against said railroad company, either or all of them, their officers, directors and stockholders, for the full amount of all the bonds of the State, that said railroad companies, or either of them, their officers, agents, directors and stockholders, have heretofore fraudulently obtained, contrary to the true intent, meaning and provisions of the laws of this State granting aid to railroads or to each one of said railroad companies; or that have been illegally disposed of by said railroad companies, their agents, officers, President or directors, contrary to the law; or after the proceeds were received, have appropriated said proceeds to other uses than those prescribed by law; and asking a decree against said railroad companies, their President and Board of Directors, and against their stockholders individually, and against their agents for the number of bonds so fraudulently received, for the number of bonds so illegally received, for the number of bonds so illegally disposed of, and for the amount of the proceeds of the bonds legally issued, received and sold, which has been illegally appropriated by said railroad companies, or either of them, their officers, agents, directors or stockholders, to any other use or uses than those prescribed by law, whether by the general internal improvement law of the State, or by the special law granting to the respective companies additional State aid; *provided*, that suits shall in no case be instituted under this Act against any railroad company by the said Attorney-general, except by and with the consent, advice and concurrence of the commissioners appointed for the sale of delinquent railroads, viz: the Hon. R. J. McKinney, the Hon. F. B. Fogg, and the Hon. Archibald Wright, or by the consent, advice and concurrence of a majority of said commissioners.

Same.

To ask decree

Fraudulently received or illegally disposed of.

Bonds.

Proviso.

SEC. 2. *Be it further enacted*, That if, upon the trial of said causes, the court shall be satisfied that said railroad companies, or either of them, have been guilty of fraudulently obtaining bonds of the State, to be issued to it, or of illegally obtaining bonds of the State to be issued to it;

Forfeiture of  
privileges.

To compen-  
sate the State.

or of disposing of the bonds legally issued to it, contrary to the provisions of the law granting the aid; or of appropriating to other use or uses than those prescribed by law, the proceeds of the bonds so sold, or any of them; or of appropriating the bonds so received, or any of them, to other uses than those for which, under the law granting the aid, they, or any of them, could be legally used; then, and in the event of either of said facts being by the court judicially determined, then the said court shall decree that said railroad company has forfeited all its rights and privileges under the General Internal Improvement laws of the State, and of the special laws under which the said railroad company claims to have received said State aid; and against the President and Board of Directors of said railroad companies, together with their stockholders and their agents who disposed of said bonds illegally, individually, for an amount sufficient to compensate the State of Tennessee for any loss it may have sustained, or that it may be liable to sustain, because of such fraudulent and illegal acts in regard to the receipt and sale of said bond or bonds, and for losses that may fall on the State in consequence of the commission of any other fraud by said company in the sale of said bonds against law, and the misappropriation of the proceeds.

Provisions of  
Int. Imp. Law

SEC. 3. *Be it further enacted*, That the Attorney-general shall include in the bills respectively filed, all the charges contained in the 13th Section of the Act passed Feb. 11, 1852, entitled "An Act to establish a system of Internal Improvements in this State;" and the court in making its decree will, as far as the interests of the State demand it, observe the provisions of that Act, and make such decree as the law and evidence in each case justly demands.

SEC. 4. *Be it further enacted*, That the public welfare requires that this Act shall take effect from and after its passage.

Passed July 6, 1870.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Disapproved July 9, 1870.

D. W. C. SENTER,

*Governor.*

Reconsidered and passed the Senate Dec. 20, 1870.

Passed over the veto of the Governor, Jan. 18, 1871.

NEILL S. BROWN, JR.,

*Principal Clerk of the House of Representatives.*

## CHAPTER XLIV.

AN ACT to Authorize the Comptroller to bring Suits in the Name of the State against Railroads out of the State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in all cases where any railroad or railroad company, beyond the limits of this State, is in any manner indebted to the State of Tennessee, the Comptroller be, and he is hereby authorized and required, to bring suit against such railroad or railroad company in the name of the State of Tennessee, by attachment or otherwise, and execute for the State the necessary bonds for the collection of such indebtedness; and that, as the public welfare requires it, this Act shall take effect from and after its passage.

Passed January 18, 1871.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

JONATHAN MORRIS,  
*Speaker pro tem. of the Senate.*

Approved January 21, 1871.

D. W. C. SENTER,  
*Governor.*

## CHAPTER XLV.

AN ACT for the Benefit of Persons who have Lost their Grants or Deeds of Conveyance to their Lands in the Ocoee District.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That lands may be entered in the Ocoee district, and grants obtained for the same, under the following circumstances:

1. When the claimant has a certified copy of an original entry made in such district, he can, on presentation of the same to the Register and Entry Taker of the Ocoee district, have a grant issued by said Register for the same; or if a certificate of an entry be found in the books belonging to the office of said Entry Taker and Register, he may, and shall be authorized, to issue a grant to such original enterer, or to his or her assigns. But if an origi-

Certified copy  
or certificate  
on books.

nal certificate cannot be found, then such person or persons may make an entry of said land, and said Register or Entry Taker shall issue a grant to such enterer of said land.

Lost Grants  
or Deeds.

Boundary,  
plat, etc.

SEC. 2. When the State grant or deed of conveyance be lost, and the boundaries of such land is regular and in accordance with the plan of the original survey and entry of the land in said district, then it shall be lawful for such persons having such grants or deeds of conveyance lost, to make a new entry of said lands in said office, and have a grant issued for the same by said Register; but, if the boundary of the land is irregular and not in accordance with the original plan of survey and entry in such district, then the enterer shall present to said Register, etc., a plat and certificate of the survey of said lands from the Surveyor of the county in which the lands lie, giving a full description of said land, the metes and bounds, the number of acres, and the beginning corner and date of survey of said land; and said Register shall file the same in the Entry Taker's department of his office, and shall make an entry of said lands, and issue a grant to the enterer for said land; *provided*, said entries above provided for does not interfere with the rights of any other person.

Indexes.

SEC. 3. *Be it further enacted*, That the Register and Entry Taker of said district shall make an index to all the books in his office, from the organization of his said office to the present time inclusive, where the index has been destroyed; said indexes to give the number of grant, warrant or entry, name of grantee and date, and number of page where recorded.

Compensation  
etc.

SEC. 4. *Be it further enacted*, That the said Register and Entry Taker of said district shall receive as compensation for his services, ten cents for grant, warrant or entry so indexed, payable by the Treasurer of the State upon the warrant of the Comptroller; and the said Comptroller is hereby authorized to issue his warrant for said compensation to said Register, &c., on said Register, &c., presenting his indexes complete as aforesaid; and that the cost of material and binding the books necessary, together with all other necessary books of said office, shall be paid by the State.

Office, fees,  
etc.

SEC. 5. *Be it further enacted*, That it shall and may be lawful for the Register, &c., of the Ocoee district to open and keep his office at his own house; and that said Register shall be allowed as his fees for issuing grants, or giving copies from the books of his office, for each grant or copy, \$2; and for each additional piece included in said warrant or grant, 50 cents; and for each entry that shall

be made in his office, he shall be entitled to \$1.00 from the enterer, in addition to his fees as Register.

SEC. 6. *Be it further enacted*, That all persons holding State grants shall be required, immediately after the Register and Entry Taker of said district shall have the indexes to all the books in his office completed according to the 3d section of this Act, to have them re-registered by said Register in a book or books furnished him by the State for that purpose. The book and page and date of said registration shall be entered on said original grant, with the names of said Register, etc.; and said Register, etc., shall be allowed to charge such applicants for his services therefor, \$1.00. But if said grants are found on record in the original book in said office, then said Register shall so state on said original grant, the book, page and date of said registration; and for his services in this case, he shall be authorized to charge the applicant 25 cents for each grant so examined by him. Grants to be re-registered.  
Fee.

Passed January 14, 1871.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

JONATHAN MORRIS,  
*Speaker of the Senate, pro tem.*

Approved January 21, 1871.

D. W. C. SENTER,  
*Governor.*

## CHAPTER XLVI.

### AN ACT to Establish the County of Houston.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a new county be, and the same is hereby established out of the fractions of the territory What counties. composing the counties of Stewart, Humphreys, Montgomery and Dickson, to be known and designated by the name of the county of Houston, and shall be bounded as hereinafter provided.

SEC. 2. *Be it further enacted*, That the general boundaries of said county shall be as follows, to-wit: Beginning Boundary. at a mulberry about six poles below the mouth of White Oak Creek, on Tennessee river; running east eleven miles, with the old Stewart and Humphreys county line, to a

Boundary.

point due north from Waverly, eleven miles; thence east with a circle, keeping eleven miles from Waverly, seven miles; thence east six miles to the Dickson county line; thence north  $21^{\circ}$  east, by Norris' Mills, three and a half miles, to a sycamore on the right bank of Bear Creek, about three hundred and fifty yards from Maj. Shelton's residence; thence north seven miles, to the Montgomery county line; thence west with said county line, four miles to the south-west corner of Montgomery county; thence north  $19^{\circ}$  west, with said county line to the Cumberland river; thence with said river and its meanders, seven miles, to the residence of Capt. Naylor, on the bank of said river, opposite the "Checkered House," and about eleven miles from Dover; thence south  $70^{\circ}$  west eleven miles, with a circle, keeping eleven miles from Dover, to a stake eleven miles due south of Dover, and about one quarter of a mile west of the last residence of John Barnes, deceased; thence north  $73^{\circ}$  west, with the same circle, six and one-half miles to Leatherwood Creek; thence down said creek, with its meanders, to the Tennessee river; thence up the said river, with its meanders, to the beginning, twelve and one-half miles, containing three hundred and forty square miles.

Same.

Commis'rs.

SEC. 3. *Be it further enacted*, That for the purpose of organizing said county of Houston, the following named persons are appointed Commissioners, to-wit: John Brown, M. W. Blake and J. W. Lewis, of the county of Humphreys; Abner Skelton, A. J. Parrish and Dudley Clyner, of the county of Dickson; and Ransom Dudley, John L. McMillan and J. J. Pollard, of the county of Stewart, on the part of the several fractions in which they reside, who shall, before entering upon the duties herein specified, take an oath before some Justice of the Peace, faithfully and impartially to discharge their duties as such Commissioners; and in case of vacancy from any cause, or refusal to act on the part of any Commissioner, his place shall be filled by the other Commissioners, who shall elect his successor from the fraction of the county in which the vacancy occurred. A majority of said Commissioners shall constitute a Board, competent to do all things enjoined on them as such Commissioners; and they shall elect a chairman and secretary, and keep a record of all their proceedings as Commissioners, which shall be returned by them to the County Court of said county of Houston at its first session, and the same shall be recorded by the clerk thereof, on the records of said court; and a certified copy thereof shall be evidence in the various courts of this State.

Vacancies, etc

SEC. 4. *Be it further enacted*, That it shall be the duty



of said commissioners to designate three voting places in the Stewart County fraction; two in the Humphreys County fractions, and at least one in the Dickson County fraction; and shall give ten days' notice by written or printed circulars posted in five or more public places in each fraction taken from the respective counties of Stewart, Humphreys and Dickson, that an election will be held, in which all persons entitled to vote for members of the General Assembly, who have resided in the fraction proposed to be stricken off, for six months immediately preceding said election, shall be entitled to vote; and each voter, who desires to vote for the establishment of the new county, shall have on his ticket the words "new county;" and those desiring to vote against the new county, shall have on their tickets "old county;" and if, upon the counting of all the votes cast at said election, in that part of each of the counties of Stewart, Humphreys and Dickson, proposed to be taken off to form said county of Houston, it shall appear that two-thirds of the qualified voters in each of the parts so taken off, vote in favor of being attached to the new county, then that part shall be a part of the county of Houston, and the same is hereby declared to be a county, with all the powers, rights and privileges, and subject to all the liabilities and duties with other counties in this State; *Provided*, however, that if there should not be a two-thirds vote in any one of the said fractions in favor of the said new county, the fractions of the other two old counties, shall constitute the county of Houston when the consent of two-thirds of the qualified voters residing in the part so taken off has been legally given; *and provided*, also, that the new county so formed, contains the requisite number of square miles; that said commissioners shall appoint Judges and Clerks to hold said election, and also some suitable person as an officer in each place designated in each fraction, who shall have all the powers and perform all the duties imposed by law upon other officers holding elections under the laws of this State; and who shall, after the polls are closed, and the vote counted, make out and certify the result and return the same with a copy of the poll books, to the Chairman of the Board of Commissioners, who shall, when the returns are all received, in the presence of said Board, proceed to compare the vote and certify the result; and the election therein provided for shall be held on the same day in each of said fractions; and if, for any cause, the election as herein provided, shall not be held in any of said fractions, on the day appointed, the said Board shall provide for another election as herein provided in such

Election.

Voting, etc.

Provisos.

Officers to hold election.

Failure to hold election.

fraction. The commissioners are hereby empowered immediately, and it shall be their duty, to mark the boundary line of said County of Houston, guided by the marks and bearings set forth in the second section of this Act; and it shall be their duty to divide the said county into such number of civil districts as the convenience of the inhabitants may require, as provided by the general laws of the State, designating the boundaries of, and giving the places of holding the elections in said districts; and they shall perform such other duties as may be necessary to carry out the provisions of this Act.

To mark line.

County seat.

SEC. 5. *Be it further enacted*, That said commissioners shall open and hold an election in each civil district in said county, first giving twenty days' notice of said election, for the purpose of fixing upon an eligible site for the seat of justice in said county of Houston, and all the qualified voters for members of the General Assembly shall be entitled to vote in selecting said site. Should there be two or more places put in nomination, and voted for, the place receiving the majority of the votes cast shall thereupon be declared by said commissioners the seat of justice of Houston County; *Provided*, That said commissioners shall have the right to hold elections from time to time, dropping the place receiving the lowest number of votes, until one place shall receive a majority of those voting.

Proviso.

To purchase and lay off.

SEC. 6. *Be it further enacted*, That said commissioners, before said election shall be held, shall ascertain upon what terms a suitable lot of ground can be procured for the county site, from the several persons owning the places put in nomination, and, if necessary, make a conditioned purchase or arrangement for the same; and when the county site shall have been located, as provided in section fifth of this Act, shall proceed to close the trade and acquire, by purchase or otherwise, such grounds as may be necessary for the use of said county; and said commissioner shall cause a town to be laid off, thereon, with as many streets and alleys as they may deem sufficient, with a suitable square for the erection of public buildings.

Sale of lots.

SEC. 7. *Be it further enacted*, That the commissioners of said county shall sell the lots with the right to reserve alternate lots in said town, on a credit of at least twelve months, first giving due notice thereof in one or more newspapers, of the time and place of said sale, and shall take bond with security from the purchasers of said lots, payable to themselves or their successors in office, and shall make title in fee simple as commissioners, to the respective purchasers of said lots.

SEC. 8. *Be it further enacted*, That the proceeds of the sale of said lots shall be a fund in the hands of said commissioners for defraying of the expenses incurred in the purchase of said tract of land, on which the said county site shall be located, and also for defraying the expenses of erecting the public buildings for said county of Houston. Proceeds.

SEC. 9. *Be it further enacted*, That said commissioners shall have the power to designate a suitable place for holding the courts of said county of Houston, until a permanent county site shall have been selected, as provided in section fifth of this Act. Courts.

SEC. 10. *Be it further enacted*, That at the same time and places in which the election shall be held under said section fifth of this Act, to select a county site for said county, the said commissioners shall open and hold an election, giving the notice required in said section, for one Sheriff, one clerk for the County Court, one clerk for the Circuit Court, one County Trustee, one Revenue Collector, one Register; and also two Justices of the Peace, and one Constable, for each civil district of said county; *Provided*, That all the Justices of the Peace and Constables that may be in office in either of said fractions, shall hold their office and exercise the functions thereof, until their successors are elected and qualified as herein provided, and the returns of said election shall be made to the Chairman of the Board of Commissioners, who shall proceed to compare the vote in the presence of said Board, and shall certify the result, and make return thereof according to law; and thereupon the Governor shall proceed to issue commissions to such of said officers as are required to be commissioned by him according to existing laws. County officers

SEC. 11. *Be it further enacted*, That the different fractions of the several counties embraced in the county of Houston, shall vote with the several counties to which they now belong, in all elections for Governor, Representatives in Congress, President and Vice-President, and members of the General Assembly of the State of Tennessee, until the next apportionment, agreeable to the provisions of the fourth Section of the second Article of the Constitution. Voting, etc.

SEC. 12. *Be it further enacted*, That the said fractions shall remain subject to the jurisdiction of the several counties from which they were stricken off, until the organization of the courts of law and equity in said county of Houston. Jurisdiction.

SEC. 13. *Be it further enacted*, That there shall be organized for said county of Houston, one Chancery Court

Courts.

and one Circuit Court, and also a County Court, having all the powers and jurisdiction now exercised by said courts in other counties of this State; that the county of Houston shall constitute a part of the Sixth Chancery Division and Tenth Judicial Circuit of Tennessee; and the Chancery Court shall be held by the Chancellor thereof, on the third Mondays in May and November; and the Circuit Court shall be held on the first Mondays in April, August and December.

Transfer of cases.

SEC. 14. *Be it further enacted*, That when said courts shall have been organized as provided in the thirteenth Section of this Act, all causes which may have originated in the limits of said new county, shall be transferred to the appropriate courts thereof; and the clerks of the several courts in which said suits are now pending, shall, on application of either party, unless the defendant reside out of Houston county, and is not a non-resident of the State, shall furnish a certified copy of the proceedings already therein had, together with all the papers pertaining to said causes, and their fees for the same shall be taxed in the bill of costs, and await the final proceedings to be held therein.

Debts, credits, etc.

SEC. 15. *Be it further enacted*, That the fractions of Stewart, Humphreys and Dickson, formed by this Act into the county of Houston, shall continue liable for their *pro rata* of all debts heretofore contracted and owing by said counties of Stewart, Humphreys and Dickson, as well as entitled to any portion of any stocks, credits and choses in action belonging to said counties; and the County Courts of the old counties, respectively, and also the County Court of Houston county, shall each appoint three suitable persons on the part of each, to apportion the public debt that each county may owe, and also to apportion the public securities or stocks that may be owned by either of the old counties, and also to apportion the revenue assessed for county purposes, which may have been collected by the old counties for the year 1870; and in making such apportionment, the aggregate value of all taxable property and polls in each, shall be taken as a basis of said apportionment; and the County Courts of each of said counties are fully authorized to make such orders and regulations as may be necessary to carry out the provisions of this section, so as to effect as fair and equitable apportionment of the debts owing, stocks owned, and revenue collected by each; *provided*, that the Revenue Collector for the county of Houston shall collect all the taxes remaining unpaid in said fractions, after the organization of said county.

Apportionment.

SEC. 16. *Be it further enacted*, That the commissioners

aforesaid, are hereby authorized to exercise such other and further powers as may be necessary to complete the organization of the county of Houston, and make any change in the lines of said new county, if found necessary, so as to conform to the requirements of the Constitution of the State of Tennessee.

General powers.

SEC. 17. *Be it further enacted*, That for the purpose of building a Court-house and Jail, the County Court of Houston County, shall have power to issue bonds bearing eight per cent. interest, running not less than ten years and for an amount not exceeding twenty thousand dollars, interest payable semi-annually, with coupons attached, and the same shall not be sold for less than eighty cents on the dollar. The County Court shall have power to assess and levy a tax to meet the interest and provide a sinking fund to meet the payment of said bonds. The bonds shall bear upon their face the object and purpose for which they were issued.

Powers of County Court.

SEC. 18. *Be it further enacted*, That the part of Montgomery County embraced in the following boundaries, to-wit: Beginning at the point where the east boundary line of Houston County strikes the south boundary line of Montgomery County, four miles from the south-west corner of Montgomery County; running thence due north to Cumberland River; thence down said river with its meanders to the point where the west boundary line of Montgomery County crosses Cumberland River; thence south nineteen degrees east, with said line, to the south-west corner of Montgomery County to the beginning, containing about thirty-two square miles, be, and the same is hereby attached to Houston County and made part, on the following terms and conditions, to-wit:

Montgomery County.

SEC. 19. *Be it further enacted*, That J. H. Marable, Wm. C. Jackson and Barney Powers be, and the same are hereby appointed commissioners on the part of the fraction of Montgomery aforesaid, to act in concert with those already designated in section two of this Act, and shall have all the powers and privileges, and discharge all the duties and obligations imposed upon said Board of Commissioners, and shall constitute part of the same.

Commis'rs.

SEC. 20. *Be it further enacted*, That at the time and places designated in section 4 of this Act, said Board of Commissioners shall also, after giving the notice required in said section, in two or more public places in said fraction of Montgomery County, cause an election also to be held therein as provided in said section for the other fractions; and if a majority of two-thirds of the qualified voters therein shall vote in favor of the new county, the said

Election.

Powers, etc.

fractions of Montgomery shall thereupon become a part of Houston County, and shall have and be invested with all the further rights and privileges and subject to all the duties of citizens of said county, as provided in this Act; *Provided*, That Montgomery County shall not thereby be reduced below the number of square miles which the constitution requires.

SEC 21. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare requiring the same.

Passed January 21, 1871.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Approved January 23, 1871.

D. W. C. SENTER,

*Governor.*

## CHAPTER XLVII.

### AN ACT for the Benefit of Waverly High School.

Powers of Trustees.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the title to the building known as "Rural Academy," and the ground on which it stands, in the town of Waverly, Humphreys county, established under the Act of 27th of January, 1840, be, and the same is hereby vested in the Trustees of Waverly High School, and their successors; and said Trustees are hereby empowered to remove or to repair, or to sell and convey the same, and apply the proceeds to the benefit of Waverly High School; and that this Act take effect from and after its passage, for the public welfare requires it.

Passed January 18, 1871.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

JONATHAN MORRIS,

*Speaker of the Senate pro tem.*

Approved January 21, 1871.

D. W. C. SENTER,

*Governor.*

## CHAPTER XLVIII.

AN ACT to do Justice to Certain Parties, and to Amend An Act passed December 4, 1869.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That An Act passed December 4, 1869, entitled "An Act to repeal An Act to secure to loyal citizens of Tennessee recompense from the United States government for losses caused by the late rebellion," passed February 19, 1868, be so amended as to allow persons who filed claims under said Act to withdraw the same from the office of the Secretary of State, without the expense of leaving a certified copy, and that claimants be allowed to withdraw their claims upon receipting on the books in person, or by agent, or upon order; and that this Act take effect from and after its passage, the public welfare requiring it. May withdraw claims.

Passed January 16, 1871.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

JONATHAN MORRIS,  
*Speaker of the Senate pro tem.*

Approved January 21, 1871.

D. W. C. SENTER,  
*Governor.*

## CHAPTER XLIX.

AN ACT to Protect Life and Preserve Property on Railroads.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter it shall be the duty of all railroad companies holding and operating any railroad running into or through this State, to provide a bell-rope for each and every passenger train running upon their respective roads; and any conductor or other employee of any railroad in this State, acting as conductor of a passenger train, who shall run a passenger train containing passengers, upon any road in this State, without connecting a bell-rope with the engine, running through all the coaches from the engine to the rear coach, shall be guilty of a mis- Bell rope. Misdemeanor

Fine, etc.

demeanor, and, upon conviction, shall be fined in a sum not less than fifty dollars, nor more than two hundred, at the discretion of the court before whom conviction may be had; one-half the amount to go to the informant, and the other half to the State.

SEC. 2. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed January 17, 1871.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

JONATHAN MORRIS,  
*Speaker pro tem. of the Senate.*

Approved January 21, 1871.

D. W. C. SENTER,  
*Governor.*

## CHAPTER L.

AN ACT to Enforce Article 2, Section 29, of the Constitution, to Authorize the Several Counties and Incorporated Towns in this State to Impose Taxes for County and Corporation Purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the several counties and incorporated towns in this State may, and are hereby authorized to impose taxes for county and corporation purposes, respectively, in the following manner and upon the following conditions:

Value. 1st. That all taxable property shall be taxed according to its value, upon the principles established in regard to State taxation.

How to be granted. 2d. The credit of no county, city or town, shall be given or loaned to, or in aid of any person, company, association or corporation, except, first, upon the consent of a majority of the Justices of the Peace of the county, at a Quarterly Term of the County Court of such county, or a majority of the Board of Mayor and Aldermen, as the case may be, of such city or town, and upon an election afterwards held by the qualified voters of said county, city or town, and the assent of three-fourths of the votes cast at said election. The said County Court, or Board of Mayor and Aldermen, as the case may be, shall spread upon their records the proposition and the amount to be



voted upon by the people, and shall have full power to hold and conduct such elections according to the laws regulating elections in this State; and if the assent of three-fourths of the voters of such county, city or town, is had, then the County Court or Board of Mayor and Aldermen, as the case may be, shall have full power to make and execute all necessary orders, bonds and payments, in order to carry out such loan or credit voted for as prescribed in this Act; nor shall any county, city or town, become a stockholder with others in any company, association or corporation, except upon a like election, and the assent of a like majority, as prescribed in this Act. Election, etc.

SEC. 2. *Be it further enacted*, That the counties of Grainger, Hawkins, Hancock, Union, Campbell, Scott, Morgan, Grundy, Sumner, Smith, Van Buren, Fentress, White, Putnam, Overton, Jackson, Cumberland, Anderson, Henderson, Wayne, Marshall, Cocke, Coffee, Macon, Trousdale and Roane, shall be exempted out of the provisions of this Act, so far that the assent of a majority of the qualified voters of either of said counties voting on the question shall be sufficient, where the credit of such county is given or loaned to any person, association or corporation; *provided*, that this exception of the counties above named in this Act shall not be in force beyond the year one thousand eight hundred and eighty; and after that period they shall be subject to the three-fourths majority applicable to the other counties of this State, as required by this Act. Counties exempt. Proviso.

SEC. 3. *Be it further enacted*, That the taxes imposed by this Act, voted for by any county, city or town, shall not be greater than the State taxes on property and polls; and as the public welfare requires it, this Act shall take effect from and after its passage.

Passed January 16, 1871.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Approved January 23, 1871.

D. W. C. SENTER,

*Governor.*

## CHAPTER LI.

AN ACT to Provide Revenue for the State, and to Repeal Section 1 of Chapter 74 of the Acts of 1870, Entitled "An Act to Fix the State Tax on Property."

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the State tax on every one hundred dollars' worth of property, upon which taxes are by law assessed for State purposes, shall be sixty cents.

Rate of tax.

**SEC. 2.** *Be it further enacted,* That in addition to the advalorem tax to be paid by merchants on their capital, they shall be liable and required to pay a license tax equal in amount to the advalorem tax; *Provided,* That in no case shall the license tax be less than five dollars; and section five of the Act passed January 18, 1870, entitled "An Act to amend the revenue laws of this State," is hereby amended in accordance with the provisions of this Act.

License tax.

**SEC. 3.** *Be it further enacted,* That section 1 of Chapter 74 of the Acts of 1870, entitled "An Act to fix the State tax on property," is hereby repealed.

Repealed.

**SEC. 4.** *Be it further enacted,* That every traveling or local agent of any insurance company, whether State or foreign, doing business in this State, shall pay an annual privilege tax of twenty-five dollars to the State and ten dollars to each county in which such company or companies may have a local or traveling agent doing business; and if the agent or agents of said companies shall take risks without the payment of said State and county tax, he or they, so offending, shall be guilty of a misdemeanor, and each offender shall be fined not less than one hundred nor more than five hundred dollars, one-half of the fine to go to the informer on conviction and the other half to the State. Clerks of County Courts shall see that this section is strictly enforced.

Insurance Companies.

**SEC. 5.** *Be it further enacted,* That each railroad company, and every other incorporated company, except charitable and religious, doing business in this State, shall pay into the treasury of the State, six mills on the dollar on the amount of the net earnings of such railroad company or association; and the President, Superintendent, Receiver or other head officer of such railroad company, or agent any office in the State of Tennessee, of any railroad company whose principal office is in another State, or associations, shall, on oath taken and subscribed to before a Justice of the Peace or other officer authorized to administer oaths, showing specifically and truly the

Incorporated Companies.

amount of net receipts for the quarter ending on the first Mondays in January, April, July and October in each year, and pay the tax imposed by this Act. Said oath shall be filed and recorded in the office of the Comptroller. Receipts.

SEC. 6. *Be it further enacted*, That traveling commercial agents, generally known as drummers, representing business parties, non-residents of this State, proposing to sell the goods, wares, merchandise or manufactures of such non-residents, either by sample or representation, shall pay a privilege tax of fifty dollars per annum to the State; and each county in which said traveling agent or drummer may propose to do any business, may lay a county tax of five dollars. Any person acting or proposing to act as a traveling commercial agent or drummer as aforesaid, shall first procure a license from the clerk of some County Court by paying the taxes aforesaid, which license shall not be transferable. A failure to procure a license as herein required, shall subject the party so offending to a fine of one hundred dollars for the use of the State; and County Court Clerks, Sheriffs and Constables shall see that the provisions of this Act are enforced. Agents or Drummers.

SEC. 7. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring the same. License, etc.

Passed January 19, 1871.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved January 24, 1871.

D. W. C. SENTER,  
*Governor.*

## CHAPTER LII.

AN ACT to Regulate the Payment into the State Treasury of the State Revenue.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That every official in the State charged with the duty of collecting State Revenue shall, on the first Monday of every three months, deposit in one of the designated State Depositories, or forward directly to the Treasurer of the State, every dollar collected by him, or To deposit or pay over.

Oath, etc.

them, or their deputies, during the preceding months; and shall at the same time subscribe to an oath, to be administered by an official having a seal of office, that with such deposit or payment into the Treasury he has turned over all moneys collected by him or them, or their deputies, during the preceding months, as State Revenue, after deducting such commissions as are allowed by law.

Statement.

SEC. 2. *Be it further enacted*, That embraced in such sworn statement of every dollar so received, and if in Tennessee Bank notes, a full statement shall be set out of the parties who have paid Tennessee money, and shall note on his tax book the kind of money he received from the tax payer, and shall specify in his receipt to the tax payer the kind of money paid, and amount of kind, if more than one.

Misdemeanor,  
fine, etc.

SEC. 3. *Be it further enacted*, That it shall be a misdemeanor in office for any Tax Collector, his deputy or agent, or other revenue officer, to be engaged, directly or indirectly, in the buying or selling of Tennessee money, or to permit any party or parties to occupy any part of any office occupied as a Revenue Collector's office, and engage in selling, or offering to sell, to tax payers, Tennessee money; and for each violation of this Act, or any part thereof, shall, upon conviction, be fined not exceeding one thousand dollars, and imprisoned in the discretion of the court, not less than thirty days nor more than six months, and removed from office.

SEC. 4. *Be it further enacted*, That all convictions under this Act, one-half of the forfeiture or fine shall go to the informer.

Previous col-  
lections.

SEC. 5. *Be it further enacted*, That the provisions of this Act shall not be so construed as to apply in any manner to moneys which have been collected by various Revenue Officers previous to the passage of this Act, and which have not by them been deposited.

SEC. 6. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.  
Passed January 25, 1871.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Approved January 26, 1871.

D. W. SENTER,

*Governor.*

## CHAPTER LIII.

## AN ACT to Change the Line between the Counties of Loudon and Monroe.

WHEREAS, The line constituting the counties of Loudon and Monroe runs directly through the farm of Jesse Richardson, thereby making it his duty to pay taxes in two counties; therefore, Preamble.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the county line of Loudon county be so changed as to include in said county the tract of land on which Jesse Richardson, of said county, now resides; and that the county line of Monroe be so changed as to include within said county of Monroe the tract of land on which Archibald Bakum and Hugh Chestnut now reside. Boundary.

Passed January 24, 1871.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved January 26, 1871.

D. W. C. SENTER,  
*Governor.*

## CHAPTER LIV.

## AN ACT to Authorize the Chancery Courts in this State to grant Letters of Incorporation.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That hereafter, when persons in this State shall desire to be incorporated with the powers and privileges of a corporate body, they shall file a petition in the Chancery Court of the county in which the largest number of the petitioners reside, setting forth the purposes and objects of the corporation prayed for; and immediately upon the filing of the petition the Clerk and Master shall cause publication to be made for thirty days in some newspaper published in this State, which publication shall give the names of the petitioners and nature of To file petition, etc.

Hearing of  
petition, etc.

the corporate rights prayed for, notifying all persons to appear and show cause why letters of incorporation should not issue. The court shall proceed to an *ex parte* hearing of the matters of the petition at the first term after the filing of the same; and upon evidence that publication has been made as heretofore prescribed in this Act, and it appearing to the court that the objects of the corporation prayed for are not in conflict with the laws of the land, nor detrimental to public interests or morals, the court shall so adjudicate and decree, which adjudication and decrees shall be spread upon the minutes of the court, and shall enumerate such usual powers and privileges of corporate bodies as may be necessary to carry out the legitimate objects of said corporation; *Provided*, That nothing in this Act shall authorize any Chancery Court to exempt the property of corporations from taxation. The Legislature reserves the privilege of limiting and restricting the powers and privileges of corporations, by general laws, as may be necessary from time to time, for the well-being of the State and the citizens thereof; *Provided further*, That Chancery Courts may alter, amend and revise the charters of corporations created by said courts, or by Act of the Legislature, upon application, in manner and form, and subject to the conditions and restrictions as heretofore prescribed.

Proviso.

McAdamized,  
and other  
roads.

SEC. 2. *Be it further enacted*, That on application, corporations for the constructing and building of McAdamized, graded turnpikes and plank roads, may be formed on terms and conditions following: The petition may be filed in the Chancery Court of any county through which the proposed route of said road may pass. The court may appoint, in the letters of incorporation, commissioners to open books to receive subscription of stock; and the decree incorporating said road shall be registered in the County Register's office of each county through which said road may pass; *Provided*, That the number of stockholders, amount of capital, election of directors, number of votes to the share, organization of directory, powers, succession of officers, right of way and location and construction of road, increase of capital, office of company, place of keeping officers' bonds, stockholders' meetings, real property to be held by company, calls or installments of stock, failure to pay calls, and all other matters not otherwise provided for in this Act, shall be regulated and established as prescribed in chapter 2, article 1, sections 1401, 1403, 1404, 1405, 1408, 1409, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1420, 1421, 1422, 1423, 1424, 1425, 1426, 1427, 1428, 1429, 1430, 1431,

Provisions of  
Code, etc.

1432, 1433, 1434, 1435, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1445 and 1446 of the Code of Tennessee; *Provided further*, That the proceedings upon application shall be the same as prescribed in the first section of this Act. Proviso.

SEC. 3. *Be it further enacted*, That the applicants for corporate privileges, shall pay the costs of proceedings, and shall give bond to secure costs of the same; and the cases referred to in the 1st and 2nd sections of this Act shall be governed by the same rules and regulations as other proceedings in the Chancery Court of this State. Costs of Suits.

SEC. 4. *Be it further enacted*, That the directors, corporate powers as to officers, capital duration, loans, stockholders' liability, annual reports, liability of directors, stock book, transfer of stock, liability of stockholders to laborers, dividends, and increase of capital stock of corporations, created by the Chancery Court of this State, for the purpose of manufacturing, quarrying and mining, ect., shall be regulated and controlled as prescribed in chapter 2, article 2, sections 1452, 1453, 1454, 1455, 1456, 1457, 1458, 1459, 1460, 1461, 1462, 1463, 1464, 1465, 1466, of the Code of Tennessee, and the general powers and privileges and liabilities of corporations created by Chancery Courts shall be the same as prescribed in chapter 2, article 4, of the Code of Tennessee, from sections 1474 to 1497, inclusive. Business, how controlled, etc

SEC. 5. *Be it further enacted*, That when parties, who are non-residents of this State, desire to be incorporated, they may file their petition in the Chancery Court of any county in which they may desire to operate. Petition.

SEC. 6. *Be it further enacted*, That when the inhabitants of any town or village in this State shall desire to have the same incorporated, any three of said inhabitants may apply to the Chancery Court of the county in which said town or village may be situated, at any term thereof; and said Court may appoint commissioners to fix the limits and boundaries of said town or village, who shall report the boundaries established to the Clerk of said court, whereupon he shall notify the Sheriff of the county of the filing of said report, who, after giving ten days' notice, shall open and hold an election within the boundaries established by the aforesaid commissioners; and if a majority of the votes shall be in favor of said corporation, the Sheriff shall return the result of said election to the next term of the Chancery Court, whereupon said Court shall declare the said town or village to be an incorporated town. The officers of said town so incorporated shall be a Mayor, Board of Aldermen, and Town Constable; *pro-* Towns and Villages.  
Election, etc.

**Proviso.** *vided*, that the decree of incorporation shall contain a description of the boundaries of said town, and shall fix the time for the first election of officers under said corporation—all of which shall be spread upon the minutes of the court, and form a part of the records thereof.

**Powers of Chancery Courts.** SEC. 7. *Be it further enacted*, That the Chancery Courts of this State are authorized to alter, amend, or revise the charter of any town or village incorporated by said court, or by Act of the Legislature, on application by the authorities of said incorporated town; *provided*, that where a town or village having been previously incorporated by Act of the Legislature, shall have lapsed by reason of failure to elect officers, said charter may be revived, by the production in open court of the Act of incorporation.

SEC. 8. *Be it further enacted*, That the powers and privileges of incorporated towns created by authority of this Act, shall be as prescribed in Code of Tennessee, from section 1358 to section 1399, inclusive.

**Churches, etc.** SEC. 9. *Be it further enacted*, That the powers granted to Chancery Courts by this Act, shall extend to the incorporation of institutions of learning, churches, religious and charitable institutions; and the powers and the privileges of such corporations shall be as prescribed in sections 1470, 1471, 1472 and 1473, Code of Tennessee.

**Private companies, etc.** SEC. 10. *Be it further enacted*, That the Chancery Courts shall also have full power to incorporate private companies, which propose to carry on any local business, confined in its locality to the limits of a single county, and whose capital stock is not over two hundred thousand dollars, upon the stockholders petitioning said Court, setting forth the name proposed to be used, the name and residence of stockholders, the character of the business proposed to be carried on, as well as the amount of capital stock proposed; and if the Court find that the business proposed be a legitimate one, and not hurtful to the public good, then letters of incorporation or charters shall issue, which charters shall be registered in the Register's office of the county where issued, and where the business is to be conducted.

**May change name.** SEC. 11. *Be it further enacted*, That the Chancery Courts of this State be, and they are hereby, authorized to change the name of any private corporation, upon application and good reasons shown by the directors of such private corporation.

**Repealed.** SEC. 12. *Be it further enacted*, That section 1480 of the Code of Tennessee, in relation to the expiration of charters, be, and the same is hereby repealed.

SEC. 13. *Be it further enacted*, That in all suits in law



and equity, in which corporations created by this Act shall be interested; a copy of the decree creating said corporation, under the seal of the Court, shall be evidence of the existence of said corporation. Evidence.

SEC. 14. *Be it further enacted*, That when any corporation of any nature whatever, shall desire other powers and privileges than those conferred by the general provisions of this Act, or the sections of the Code of Tennessee referred to in and re-enacted by this Act, application may be made to the Chancery Court in and for the county in which the the principal office of such corporation may be situated, in manner and form as prescribed in the first section of this Act, and upon the hearing of the cause, the Court may grant such privileges and general relief, in accordance with the principles of equity, and not in conflict with the constitutional rights of this State, and said Court may deem necessary and just in the premises; *provided*, the applicant shall pay the costs of proceedings. Additional powers, etc.

SEC. 15. *Be it further enacted*, That corporations for the constructing and building of railroads may be organized and formed upon the terms and conditions, and subject to the liabilities, hereinafter prescribed. Railroad corporations.

1. Such corporation must have ten stockholders, and must, before organization, have a capital stock, in good faith subscribed, of at least five thousand dollars per mile from the beginning point of the contemplated railroad, to the point along the line where it intersects with an existing railroad in actual operation, or a navigable stream or its terminus. Capital stock.

2. Upon application for such an organization, by petition in the Chancery Court of some one of the counties through which the line of the contemplated railroad is to be located, sworn to by one or more of the stockholders, the Chancellor may appoint five commissioners in each county through which the proposed railroad is intended to run, a majority of whom in each county may, upon giving notice of the time and place, open books for the subscription of stock to such railroad. Commissioners.

3. Whenever the amount of stock, as prescribed by this Act, is subscribed by voluntary subscription or upon books opened by the commissioners, and an actual payment of five per cent. made thereon, the stockholders may, upon notice, meet together and elect of their body a President, and not less than three nor more than nine Directors, at which election each stockholder is entitled to one vote for each share of stock he may have subscribed; and said election may be conducted by the commissioners, or any three of the stockholders appointed by the commissioners; and Election of Directors.

certificates of election shall be given by the persons holding said election, as such Directors.

Officers, etc. 4. Upon the receipt of their certificates of election, the Board of Directors will then organize by the election of one of their number President of the company, and the election of a Secretary and a Treasurer, and such officers as they may deem necessary for the purpose of carrying on the work contemplated.

Statement. 5. The Board of Directors shall thereupon make out in writing a statement setting forth the name and place of residence of each of the Directors of said company, the name and style of the company, the description of the line of said road, the termini of such road, the general route, the amount of capital stock required for its construction, the amount actually subscribed, the shares into which the capital stock is divided, and the amount at the time collected of the capital stock so subscribed, which shall be signed by the President and Directors of such company, officially attested by the Secretary of said company, proved and acknowledged as deeds for land, are required to be probated, and shall present the same to the Chancery Court in which the original petition was presented, asking for the appointment of commissioners to obtain stock for the contemplated railroad.

Body corporate. 6. When this is done the Chancellor, upon the hearing of said petition and the production of said instrument duly acknowledged and proven as required, and satisfactory proof that said company have, in good faith, a capital stock subscribed of at least five thousand dollars per mile, from the beginning of said railroad to the point along the line where it intersects with an existing railroad in actual operation, a navigable stream, or its contemplated terminus, may declare said stockholders a body corporate, clothed with all the powers and privileges as a corporation, and subject to all the liabilities prescribed in this Act; and by the general laws of the State touching railroads—which corporation under the name and style designated in said decree, shall have succession for ninety-nine years, with power to hold property, purchase the same, convey the same, borrow money, and do all other acts necessary and proper to carry out the objects of its organization, including the authority to accept donations of land or other property, and to receive additional subscriptions until their capital stock is all taken; which stock so subscribed may be paid in money, property or labor, as may be agreed upon by and between the company and the stockholders; and to give mortgages on their road bed, rolling stock and property, to secure such lands as may be by the Board of

Gene'l powers.

Directors, under the direction of the stockholders, negotiable for the use and benefit of said railroad, and upon such terms as may be agreed upon, not exceeding interest at the rate of ten per cent. per annum.

7. When thus organized and incorporated, the President and Board of Directors shall hold their terms of office <sup>Terms of office</sup> not more than twelve months, or until their successors are duly elected and qualified; they shall determine the time for the annual meetings of the stockholders, and the place of said meeting, for the election of their successors. All the other officers of such corporation shall hold their offices at the pleasure of the Board of Directors, and shall be required to execute such bond for the faithful performance of their duties as such Board of Directors may prescribe.

8. Said corporation, when thus incorporated, shall have the right to take and appropriate the land of any individual, over whose land the line of said road runs, for the right of way, not exceeding two hundred feet in width, and for necessary depot grounds, switches, car houses and workshops, in the following mode, and none other: <sup>May take land</sup>

1. The said corporation shall file a petition in the Circuit Court of the county in which the land is located, setting forth in substance the parcel of land, a portion of which is wanted, and the extent wanted, the name of the owner of said land, if known, or if unknown, stating the fact, the object for which the land is wanted, and praying that a suitable portion of said land, necessary for its wants as herein provided, may be decreed to it, and set apart by metes and bounds. <sup>Petition to Circuit Court.</sup>

2. It shall give to the owner of the land, if resident in the county, five days' notice of its intention to present said petition; or if a non-resident of the State, or is unknown, notice shall be given by publication, as now provided by law for similar cases in Chancery; and all parties having any interest in any way in such land may be made defendants, and the proceedings will only affect the interest in the land of those who are actually made parties, and properly before the court by service of process or publication, unborn remainder now being, however, bounded by the decree or judgment of the court, to which all living persons in interest are parties. (?) [See Code 3337.] <sup>Notice to owner.</sup>

3. Upon the court being satisfied that the parties in interest are before the court, and no sufficient cause to the contrary is shown, the court shall issue a writ of inquiry of damages to the sheriff, commanding him to summons a jury to inquire and assess the value of the land so asked to be appropriated; or by consent of the parties, a jury may be selected, who may inquire and assess the damages. Said jurors, if summoned by the sheriff—and which shall <sup>Inquiry of damages.</sup>

Jurors.

consist of five persons who shall not be interested in the same or a similar question, and shall possess the qualifications of other jurors, and may be, if deemed desirable, nominated by the court or selected by consent of parties, or selected by the sheriff if the court fails to nominate or the parties select; and if named by the court or selected by the parties, any of the jurors unable to attend when summoned, their place or places may be supplied by the sheriff; either party may challenge any of the jurors so summoned for cause or peremptorily, as in civil causes.

Notice of Inquest.

4. The sheriff shall give the parties or their agents, if residents of the county, three days' notice of the time and place of making the inquest, unless further time has been required by order of the court; and the jury on the day designated, before proceeding to act, shall be sworn by the sheriff, fairly and impartially, without favor or affection, to lay off by metes and bounds the land required for the proposed improvement, and to inquire and assess the damages; and after being thus sworn, the jury will proceed to examine the ground and may hear testimony, but no argument by counsel, and set apart by metes and bounds, the land required for the railroad, a sufficient quantity for the purpose desired, and assess the damages occasioned to the owner thereby; and in estimating the damages, the jury shall give the value of the land without deduction; but incidental benefits which may result to the owner by reason of the proposed improvement may be taken into consideration in estimating the incidental damages. Their report shall be reduced to writing, signed by the jurors, or a majority of them, delivered to the sheriff, and by him returned to the court.

To assess damages, etc.

May object to report.

5. If no objection is made to the report, it shall be confirmed by the court, and the land asked for decreed to the petitioners, upon payment to the defendant or to the clerk of the court for his or their use, of the amount of the damages assessed. Upon the return, however, of the report of the jury, either party may object, and the same may, on good causes shown, be set aside, and a new writ of inquiry awarded; and either party may also appeal from the finding of the jury, and on giving security for costs, have a trial before a jury of the country, in the usual way; and if the verdict of the jury, on the trial in court, affirms the finding of the jury of inquest, or is more unfavorable to the appellant than the finding of the jury of inquest, the cost of the entire proceeding shall be adjudged such appellant; otherwise, the court may award costs as in its discretion may seem right.

6. The praying of an appeal shall not suspend the op-

erations of the corporation petitioning on the land; *provided* said corporation will give bond with good security, *Proviso.* to be approved by the clerk, in double the amount of the assessment of the jury of inquest, payable to the defendants, and conditioned to abide by and perform the final judgment of the court in the premises, and the owners of land, over which said road is located; and when possession has been taken by the company, for the use of said railroad, the owners shall commence their proceedings for damages against the railroad for the appropriation of their land for its necessary uses, within twelve months after the land has been actually taken possession of and the work *Suits for damages.* begun, or their right is, and shall be barred, saving however to unknown persons and non-residents, twelve months after the actual knowledge of such occupation, not exceeding three years, and saving to persons under disabilities of infancy, coverture and unsoundness of mind, twelve months after the removal of such disabilities.

8. The corporation thus incorporated shall proceed and survey and locate the route of the road, and actually commence the construction within five years from the time of *Survey and location.* the decree of the court granting to them a charter, and shall continue such construction, and complete the work within such reasonable time, not exceeding ten years, as the magnitude of the proposed railroad may require; and it shall file a copy of the survey and location of such route in the Registers' offices of the several counties through which said road runs; and no material alterations shall be made therein without the sanction of the stockholders, at a meeting specially called for the purpose, and any change thus sanctioned shall be filed in the Register's office of the county in which it is made.

9. By and with the consent of the stockholders, first had and obtained, the Directors, a majority of said stockholders only being required to give their assent, the Directors may increase the capital stock to an amount necessary, in their opinion, to complete the road. *General powers of Directors.* The Directors shall also, within a reasonable time after their election, designate a place in some county through which the railroad is to be constructed, where the principal office of the company is to be kept, notice of which shall be given in the nearest newspaper to the point designated; and if any change is made of said office, notice in like manner to be given of the new location. The Directors may establish the time for holding their meetings; may call special meetings of their own body, or of the stockholders, upon such notice as, in their opinion, may be right and proper. They may prescribe the amount of each instalment to be

Payment of  
stock, etc.

paid on the stock subscribed; the time, place and mode of payment; and should any stockholder fail to pay a call, he may be sued for the same, and upon recovery of judgment for the amount due, execution may issue as at law, and his stock in said corporation be sold, the purchaser at the sale acquiring all the rights and being subject to all the liabilities of the original stockholder; and if said stock should not bring the amount due, the original stockholder shall be liable for the residue, to be recovered by action at law; and any stockholder who fails to pay the stock agreeably to his contract, and to the call made on him, shall be personally liable to any creditor of said corporation for the amount he has failed to pay in, with interest.

Gauge.

10. That such incorporation is authorized and empowered to adopt such gauge for their road as they may, in their own wisdom, desire.

May lease, etc

11. The railroad so incorporated and constructed may lease any other railroad connected therewith, upon such terms and conditions as may be agreed upon, not in conflict with the rights of the State, or may purchase any other railroad connected therewith, upon such terms and conditions as may be agreed upon between the contracting parties, not in conflict with the general laws or rights of the State, or liens in favor of the State.

Charges for  
Freight, etc.

12. The charges for transportation on railroads incorporated under the provisions of this Act, and put in operation, shall not exceed thirty-five cents per hundred pounds on heavy articles, and ten cents per cubic foot on articles of measurement for every one hundred miles transported, and five cents a mile for every passenger; with power to make special contracts with shippers on their roads in regard to rate of freight, so as not to exceed the amounts herein designated.

Liability.

13. The railroads formed under this Act shall be liable for the debts and liabilities incurred by it, and shall sue and be sued for the recovery of the same in any of the courts of this State, having jurisdiction of the subject matter and the parties, under the law now in force in this State.

Construction  
of road.

14. Said companies, thus chartered and organized, may commence the building of their road before the whole of their capital stock is subscribed; and when so commenced, the profits arising from the use of so much of their road as may be completed shall be appropriated to the further construction and completion of the road, and become additional capital stock, to be assigned to stockholders as dividends to stock, until the work is completed; and after the road is completed and equipped, the Directors may declare

such dividends of profits as they may deem proper and expedient.

15. Each railroad company organized under the provisions of this Act may issue bonds for the purpose of carrying out the objects of its incorporation, to such an amount as to its Board of Directors, by and with the assent of its stockholders first had and obtained, may seem right and necessary, and in such form and for such amounts, and on such time, as may to them seem best, and payable at such place as will best promote the interests of the road, and bearing interest at a rate not to exceed ten per cent., payable annually or semi-annually, and may pledge or mortgage the property, effects and franchise of the company for the payment of interest as it accrues, and the redemption of the bonds at maturity. May issue bonds.

16. Each company so organized may, with the consent of a majority of its stockholders, extend their road beyond the terminus first designated in their charter; may change the location of their line of road; may build branch roads, and may open books for new stock for these purposes, and change the name of their company; but before such changes shall be effected, the said company shall procure a decree of the Chancery Court by which their charter was first granted, approving and ratifying said proposed changes and alterations; and when thus authorized by said court, the same shall be as much a part of said Act of incorporation as if the alterations and changes had been decreed in the original decree incorporating said company. May change location, etc.

17. All railroad companies incorporated under the provisions of this Act, in the construction of their roads, shall so construct and build them as to not interfere with the convenient travel of the public along all of the public county roads, or along the streets and alleys of any city, town or village, and so as to allow buggies, carts, carriages, wagons and other vehicles conveniently to pass over or under them, and so as not to interrupt travelers on foot, or on horseback, or in vehicles of any kind, from the necessary and proper use of the public road, street or alley, in the usual and proper mode, for their convenience. Obstructions to travel.

18. The stock of such companies shall be deemed personal estate, and shall be transferable in the manner prescribed by the Board of Directors; but no shares shall be transferable until all previous calls or assessments thereon have been fully paid in, or the said shares have been sold for the non-payment of calls made thereon; and no person holding stock in said company as executor, administrator, guardian or trustee, and as collateral security, shall be subject, personally, to any liability as stockholder of such Stock personal property.

Liability.

company, but the person pledging the stock shall be liable as the stockholder, and the estate and funds in the hands of such executor, administrator, guardian or trustee shall be liable in like manner and to the same extent as the testator, or intestate, or the ward, or person interested in said trust, would have been if he had been living and competent to act and held the same stock in his own name; and every such administrator, executor, guardian or trustee, shall be allowed to represent the share of stock in his hands at all meetings of the company, and every vote accordingly as a stockholder.

Running of  
trains, etc.

19. Every corporation organized under this Act, shall start and run their trains for the transportation of passengers and property, at regular times to be fixed by the Board of Directors, and shall furnish sufficient accommodation for their transportation, and shall take, transport and discharge such passengers and property at, from and to such places, on the due payment of tolls, freights or fares, legally authorized to be charged therefor; and in case of the refusal of such corporation or their agents to take or transport any passenger or property, or to deliver the same or either of them at the regular and appointed time, such corporation shall pay to the party aggrieved all damages which shall be sustained thereby, with costs of suit; but if any passenger shall refuse to pay his fare or toll, it shall be lawful for the conductor of the train and employes of the company to put him out of the cars at any of the usual stopping places the conductor may select.

Sign boards.

20. Each corporation organized and having any part of their railroad in operation, shall cause boards to be placed, well supported by posts or otherwise, and constantly maintain the same, across each public road, when the same is crossed by the railroad on the same level; said boards shall be elevated so as not to obstruct the travel, and to be easily seen by the traveler, and on each side of said board shall be printed in capital letters the words, "Railroad Crossing, look out for the Cars;" but such boards shall not be required to be put up at streets or alleys of a city, town or village.

Injuries or  
obstructions.

21. If any person shall wilfully do or cause to be done, any act or acts whatever, whereby any building, construction or work of any railroad corporation in this State, organized under this Act, or any engine, machinery or structures, or matter or thing appertaining thereto, shall be stopped, injured, obstructed, impaired, weakened or destroyed, the person or persons so offending shall be guilty of a misdemeanor, and shall forfeit and pay to the corporation so injured treble the amount of damages sustained



by said offense, and also liable to indictment or punishment as now prescribed by law.

22. That, whenever any person or persons shall hereafter become purchasers of any of the existing railroads on which the State has lien, or is in any way interested, that may be sold, under the laws of the State as they now or may hereafter be enacted, said person or persons so purchasing may file their petition in the Chancery Court of either of the counties through which said railroad runs, asking to be substituted to all the rights, privileges and immunities, and subject to all the liabilities of the Act of incorporation under which said railroad company was organized, and amendatory thereof, and for such change of name or privileges as they may desire; and upon satisfactory evidence being produced of the fact of the purchase and the propriety of the changes proposed, then the Chancellor may so adjudicate and decree; and the purchaser or purchasers will be thereby fully clothed with the power, privileges and immunities of the original Act of incorporation, and Acts amendatory thereof, and subject to all the liens and liabilities thereby created or incurred.

Purchasers of  
State's liens.

23. Any alteration, amendment or change that may be desired in any Act of incorporation now in existence in this State, shall or may be made by decree of the Chancery Court, upon application made by the incorporators, which application shall be conducted as other suits in chancery; and if the Chancellor shall deem the same necessary and proper, and not inconsistent with the provisions of this Act and the general laws of the State, may so adjudicate and decree; and when so decreed, such alteration, amendments and change shall become part of said Act of incorporation or charter, as fully as if included in the original Act of incorporation sought to be amended.

Alterations or  
amendments.

SEC. 16. *Be it further enacted*, That Boards of Trade, or Chambers of Commerce, may be organized in any city or incorporated town in this State, by any number of business men, not less than fifteen in number, uniting for that purpose, adopting a constitution and by-laws not inconsistent with the Constitution and laws of the State, electing such officers as may be required by such constitution, and publishing the fact of such organization in a newspaper printed in such city or town, which Board of Trade or Chamber of Commerce shall then be considered as duly chartered, with powers to acquire and hold for its necessary use, by lease, purchase, or gift, any property; real, personal and mixed; sue and be sued; make rules and regulations for the government of its members; receive new members, or suspend or expel any member for viola-

Boards of  
Trade, etc.

Powers of.

Powers, etc.

tions of the constitution, by-laws, rules or regulations; appoint arbitration and appeal committees; establish a rate for initiation or annual dues, and enforce their collection; and do any other act or thing necessary for the accomplishment of the objects of the organization, not contrary to law, and shall be entitled to all the rights and privileges, and shall be subject to all the restrictions of the State laws governing private corporations, in so far as the same may be applicable.

SEC. 17. *Be it further enacted*, That, the public welfare requiring it, this Act take effect from and after its passage.

Passed January 26, 1871.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Approved January 30, 1871.

D. W. C. SENTER,

*Governor.*

## CHAPTER LV.

AN ACT to Change the Time of Holding the Criminal Court of Rutherford County, and the Chancery Court of Giles County.

Rutherford  
County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That so much of section 1, of An Act entitled "An Act to fix the time of holding the Circuit Courts," passed June 25, 1870, as relates to the Criminal Court of Rutherford County, be amended by striking out the word "March," and inserting in lieu thereof, April.

Giles County.

SEC. 2. *Be it further enacted*, That the Chancery Court, for Giles County, shall be held at Pulaski, on the third Monday in February, and the first Monday in September.

SEC. 3. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed January 18, 1871.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

JONATHAN MORRIS,

*Secretary of the Senate, pro tem.*

Approved January 21, 1871.

D. W. C. SENTER,

*Governor.*

## CHAPTER LVI.

AN ACT to Abolish the Chancery Court at Madisonville, Monroe County, Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Chancery Court at Madisonville, in Monroe County, be, and the same is hereby abolished.

SEC. 2. *Be it further enacted*, That said county of Monroe be, and the same is hereby detached from the Second Chancery Division and attached to the Third Chancery Division of the State of Tennessee, and shall hereafter constitute a part of said Third Chancery Division.

SEC. 3. *Be it further enacted*, That all the books, papers, files, records and causes now pending in said Chancery Court at Madisonville, shall be transferred to the Chancery Court at Athens, in McMinn County, Tennessee; shall stand in said Chancery Court at Athens for trial, and to be proceeded in the same plight and condition in which they now stand in said Chancery Court at Madisonville, and said counties of McMinn and Monroe shall hereafter constitute one Chancery District; and the Chancery Court at Madisonville is hereby moved into the Chancery Court at Athens, and all process and precepts heretofore issued from said Chancery Court at Madisonville shall be, and same are hereby made returnable to the next regular term of the Chancery Court at Athens.

SEC. 4. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed January 24, 1871.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved January 26, 1871.

D. W. C. SENTER,  
*Governor.*

## CHAPTER LVII.

AN ACT to Change the Qualifications of Jurors in Criminal Cases.

Formation of  
opinions.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter no citizen, in any criminal prosecution in this State, shall be adjudged incompetent to act as a juror, by reason of having formed or expressed an opinion touching the guilt or innocence of the accused upon information derived exclusively from any published account of the facts of the offense with which the defendant stands charged, unless the writer of said statement in said article professed to have been a witness to the same at the time of their occurrence, which must affirmatively appear; and, *provided*, That said juror will state, upon the law and testimony on trial, he believes he can give the accused a fair and impartial verdict.

SEC. 2. *Be it further enacted*, That the public welfare requiring it, this Act shall take effect from and after its passage.

Passed January 24, 1871.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
D. B. THOMAS,  
*Speaker of the Senate.*

Approved January 26, 1871.

D. W. C. SENTER,  
*Governor.*

## CHAPTER LVIII.

AN ACT to Create a new District for the County of Carter.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a new District, to be known as Civil District No. 13, be, and the same is hereby, created in the county of Carter, in this State.

13th District.

SEC. 2. *Be it further enacted*, That said district shall be formed out of the 8th Civil District, with the following boundary: Beginning at Hart's Ford, on the northwest

side of Watauga River; thence running northwest with the main road leading to Carter's Depot, one and one-quarter miles, near the top of the ridge west of Mothorns; thence northwest, with the road leading to Wm. Mothorns, Sr., to the west end of a lane; thence running north with the high grounds to the Sullivan county line, at or near Lindymood's mill, on Indian Creek; thence with the Sullivan county line back to the Washington county line; thence with the Watauga River, with the line of the 8th Civil District, to the corner of the 6th Civil District; thence with said line up the Watauga River, to the beginning. Boundary.

SEC. 3. *Be it further enacted*, That there shall be opened and held an election, the second Saturday of March, 1871, at the Brick Church in said 13th Civil District, for the election of one Constable and two Justices of the Peace, who shall hold their offices until the next regular election for said officers, as prescribed in the Constitution. Election in  
13th District.

SEC. 4. *Be it further enacted*, That an election shall be opened and held on the second Saturday of March, 1871, in the 8th Civil District of Carter county, for the election of a Constable, made vacant by this Act. 8th District.

SEC. 5. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed January 19, 1871.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
D. B. THOMAS,  
*Speaker of the Senate.*

Approved January 25, 1871.

D. W. C. SENTER,  
*Governor.*

## CHAPTER LIX.

AN ACT to Regulate the Appointment of, and to Prescribe Additional Duties for Tax Assessors.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That, for the purpose of ascertaining the just and uniform cash value of all lands and town lots liable to taxation in this State, according to the intent and meaning of section 564 of the Code, it shall be the duty of

Manner of  
Assessment,  
etc.

the Assessor of Taxes in each civil district in every county in this State, to assess all such lands and town lots in his district, in the following manner, after complying strictly with sections 571 to 578, inclusive, of the Code: The Assessor shall ascertain, according to the best of his information and judgment, the just value of such lands and town lots, on a credit of one and two years, without interest, if sold to a solvent, *bona fide* purchaser. The Assessor shall then deduct ten per cent. from one-half of such valuation, and twenty per cent. from the other half of such valuation, and the remainder shall be the cash value of such lands and town lots, to be assessed to the owner thereof; and such valuation shall only be changed or altered at the meeting of Assessors, as required by sections 579 to 582, inclusive, of the Code, or by the County Court, as prescribed in this Act.

To take oath

SEC. 2. *Be it further enacted*, That before entering upon the duties of his office, each Assessor of Taxes shall take and subscribe to the following oath, before the Clerk of the County Court: I, —, do solemnly swear that I will faithfully and honestly discharge the duties of Assessor of Taxes in the — civil district of — county, for the year 18—; that I will strictly and faithfully, without any partiality, to the best of my ability and judgment, assess all the property in my district at its just value according to law; so help me God. Said oath shall then be filed in the office of the Clerk of the County Court.

Agents, etc.

SEC. 3. *Be it further enacted*, That agents or attorneys of tax-payers shall give in to the Tax Assessor a complete list of all taxable property in the same manner as required of the owner, if present, or residing out of the county.

Sales of Land.

SEC. 4. *Be it further enacted*, That in assessing lands and town lots according to the intent and meaning of this Act, the Assessor may look to the sales of other lands and town lots in the vicinity, and may examine other persons on oath concerning such sales and valuations.

Returns to  
County Court.

SEC. 5. *Be it further enacted*, That so much of section 580 of the Code as requires Tax Assessors to return their assessments into the office of the Clerk of the County Court, be, and the same is hereby repealed; and hereafter it shall be the duty of the Assessors to return the assessment to the County Court at the April Term in each year; and it shall be the duty of the County Court, as a revising board, to examine into, revise and equalize, if they think it necessary, the assessment returned by the Board of District Assessors.

SEC. 6. *Be it further enacted*, That it shall be a high

misdemeanor for any Assessor knowingly and willfully to evade or violate any of his duties as Assessor, as required by law, and upon conviction shall, in addition to the fines imposed by sections 583 to 587, inclusive, of the Code, forfeit all pay as Assessor.

SEC. 7. *Be it further enacted*, That all laws in conflict with this Act are hereby repealed; and as the public welfare requires it, this Act shall take effect from and after its passage. Repealed.

Passed January 31, 1871.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved February 1, 1871.

D. W. C. SENTER,  
*Governor.*

## CHAPTER LX.

AN ACT to Increase the Number of Justices of the Peace in the Second Civil District of Knox County, to three.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the passage of this Act, the Second Civil District of Knox county, Tennessee, lying within certain buts and bounds, to-wit: Beginning on the Holston River where White's Spring Branch enters the same; thence a due north course to where First Creek makes an elbow, Morgan's and Bell's old corner; thence down the several meanders of said creek to what is known as Morgan's property; thence west a straight line between the two depots, East Tennessee and Georgia and East Tennessee and Virginia, to Second Creek, just above the Rolling Mill; thence up with said Second Creek to Sharp's saw mill; thence with the public road to the top of Black Oak Ridge; thence east with said ridge to the head of Love's Creek; thence south and with said creek to the Holston River; thence down said river to the beginning, being a part of the incorporated city of Knoxville, is hereby entitled, in addition to the two already elected, to a third Justice of the Peace. Boundary, etc

SEC. 2. *Be it further enacted*, That the Sheriff of said county, after giving ten days' notice, shall open and hold

an election in said Civil District, to fill said office created by this Act, and make due return thereof.

Powers.

SEC. 3. *Be it further enacted*, That said Justice, when so elected, shall be clothed with all judicial powers now exercised by other Justices in this State, and shall be governed by the same rules and regulations.

SEC. 4. *Be it further enacted*, That the time of said Justice's election shall expire as though he were elected on the first Tuesday in August, 1870.

Passed December 21, 1870.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Approved January 13, 1871.

D. W. C. SENTER,

*Governor.*

## CHAPTER XLI.

AN ACT to Change the Name of the Memphis Union Savings Institution.

Name.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the name of the Memphis Union Savings Institution be changed to that of the "Working-men's Savings Bank."

Liability, etc.

SEC. 2. *Be it further enacted*, That nothing in this Act shall be so construed as to interfere with or militate against the rights, titles, interest or claims of any person or persons in, to and against said Memphis Union Savings Institution, nor with the prosecution of any suit now pending, for or against said Institution, in any court of law or chancery, or to in any way release any stockholder or officer from any obligation he or she may be under to any depositor, creditor or other stockholder in said Memphis Union Savings Institution.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed January 9, 1871.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Approved January 20, 1871.

D. W. C. SENTER,

*Governor.*



## CHAPTER LXII.

AN ACT to Amend An Act passed January 11, 1869, entitled "An Act to amend section 3005 of the Code of Tennessee."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the provisions of the Act of January 11, 1869, chapter 47, entitled as above, be, and the same are hereby, extended to, and shall include, Clerks and Masters of Chancery Courts, and writs of possession as well as executions. The public welfare requiring it, this Act shall take effect from and after its passage.

Passed January 14, 1871.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved January 20, 1871.

D. W. C. SENTER,  
*Governor.*

## CHAPTER LXIII.

AN ACT to Amend An Act passed July 6, 1870, to Establish a Criminal Court in the County of Montgomery.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section 14 of said Act be amended so as to read as follows: There shall be four terms of said Criminal Court each year, to-wit: On the 4th Monday in January, the 4th Monday in April, the 2d Monday in August, and the 2d Monday in November; and such special or adjourned terms as the Judge of said Court may deem proper; and at each of said terms the Judge may at his discretion empanel a Grand Jury, but shall have a Grand Jury at least four times each year. When to be held.

SEC. 2. *Be it further enacted*, That the public welfare requires that this Act take effect from and after its passage, and that it shall take effect therefrom.

Passed January 18, 1871.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved January 25, 1871.

D. W. C. SENTER,  
*Governor.*

## CHAPTER LXIV.

AN ACT to Authorize the City of Chattanooga to Issue Bonds to Build a Court-house and Jail, and to Authorize the County of Hamilton to Endorse said Bonds.

Preamble. WHEREAS, The city of Chattanooga has promised the county of Hamilton to pay the expenses of building a Court-house and Jail for the use and benefit of said county, in the event the county site of said county should be removed to Chattanooga; and,

WHEREAS, The county has voted in favor of said removal; therefore,

Character and amount. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Mayor and Aldermen of the city of Chattanooga be, and are hereby authorized to issue the bonds of the city, payable at such time and place, and in such amounts, as they may deem proper, at a rate of interest not to exceed six per cent. per annum, and the aggregate amount of said bonds not to exceed seventy-five thousand dollars; the proceeds of which bonds shall be applied to the purpose of procuring or erecting said Court-house and Jail, and the purchase of a site or sites therefor.

Endorsement by county, etc. SEC. 2. *Be it further enacted*, That to improve the negotiability of the bonds aforesaid, the county of Hamilton may endorse the bonds aforesaid; that the County Court shall submit the question of said endorsement to a vote of the qualified voters of the county, at such time and in such manner as said County Court may prescribe; *and, provided*, three-fourths of the votes cast shall be in favor of such endorsement; *and, provided further*, that the city of Chattanooga shall first be liable for said bonds and their interest, and the county of Hamilton shall only be liable as the surety or accommodation endorser of said city.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed January 25, 1871.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Approved January 30, 1871.

D. W. C. SENTER,

*Governor.*

## CHAPTER LXV.

AN ACT Better to Secure the Rights of Tobacco Planters, and of the Tobacco Trade; and to Prevent Fraud in the Inspection and Sale of Tobacco, and to Simplify the Tobacco Inspection Laws.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all laws, or parts of laws, heretofore made for the purpose of establishing inspections of tobacco, and regulating the same, be, and are hereby repealed; and all offices, created by the same, are vacated from and after the passage of this Act; and especially are sections 1876 to 1907, inclusive of the Code of Tennessee, repealed—the same being chapter 9 of title 14 of the Code. Ch. 9, title 14 of Code repealed.

SEC. 2. *Be it further enacted*, That any citizen may open a warehouse, for the inspection and sale of tobacco, under the rules, regulations and restriction of this chapter. Warehouses.

SEC. 3. *Be it further enacted*, That every keeper of a warehouse, for the storage of tobacco for sale by inspection or sample, shall, annually, obtain from the clerk of the County Court of the county in which his warehouse is situated, a license for the storage, inspection and sale of tobacco by sample; for which, he shall pay fifty dollars for the use of the county, and one dollar and fifty cents to the clerk for taking bond, and issuing license. License.

SEC. 4. *Be it further enacted*, That every person so applying, shall prove to the clerk, by the testimony of two impartial witnesses known to him, to be well qualified from knowledge and experience, as judges in the matter, that each applicant is the proprietor of a good and sufficient warehouse, situated so as to be exposed to no extraordinary risk from fire or flood; and furnished, besides, with all the implements necessary to the accurate weighing and inspection of tobacco. To prove character of house.

2. He shall also enter into bond, with good surety, approved by the clerk, payable to the State, in the sum of five thousand dollars, conditioned to keep his warehouse in good condition and repair, so as effectually to protect the tobacco stored therein; and perform, faithfully, all the duties of warehouse keeper and inspector of tobacco, as prescribed by this Act. To give bond.

3. Should said proprietor fail to execute said bond, for five thousand dollars, then he shall not be entitled to collect any fees on tobacco stored in his warehouse, under a penalty of one hundred dollars for each offense; to be recovered in the name of the State, one-half to go to the informer. Failure to.

4. Any planter or person aggrieved, may sue on this bond, for a breach thereof, in the name of the State, until the penalty is exhausted.
- Breach of**
- SEC. 5. *Be it further enacted*, That this license may be transferred in the presence of the clerk, to any person who will appear before the clerk and execute bond as required in the preceding section, for the time the license has to run.
- Transfer.**
- SEC. 6. *Be it further enacted*, That the proprietor shall fit up his house with plank floors or skids, upon which to place the tobacco, so that the hogsheads may be at least four inches from the earth; and any proprietor who fails to keep his warehouse in good repair, or to furnish it, as in this section provided, shall forfeit two hundred dollars to the State; and is also liable upon his bond, to an action for damages, at the instance of any planter or owner whose tobacco is injured.
- To keep in repair.**
- SEC. 7. *Be it further enacted*, That the proprietor shall keep good and sufficient scales for weighing tobacco, which shall be tested at the beginning of each tobacco year, and every three months thereafter, by the Keeper and Sealer of Weights for the county, and at any time when written application is made by two or more planters or burghers.
- Scales, etc.**
2. He shall also keep the necessary breaking irons for the proper inspection of tobacco, and screws for the proper coopeage, and return of loose tobacco to the hoghead after inspection.
3. He or his clerks shall be constant and prompt in their attendance at the warehouse, for the reception and storage of tobacco, and to promptly deliver same to the planter or burgher entitled thereto, upon order for shipment.
- Clerks.**
- SEC. 8. *Be it further enacted*, That the proprietor of a warehouse, regularly licensed under this Act, shall be, and is hereby created an Inspector of Tobacco; but before entering upon the duties of an Inspector, he shall go before the Clerk of the County Court of the county in which his warehouse is situated, and make the following oath:
- Inspector.**
- I, (A. B.), solemnly swear (or affirm) that I will carefully and diligently perform all the duties of an Inspector of Tobacco, according to law, and to the best of my skill and judgment, without fear, favor, affection, malice or partiality: So help me, God.
- Oath.**
2. The proprietor may appoint in his warehouse, deputy Inspectors or samplers, for all of whose acts he shall be responsible and liable under this Act, as for his own.
- Deputy, etc.**
3. Said deputy Inspectors, before entering upon their duties as such, shall subscribe to the oath provided in this section.

SEC. 9. *Be it further enacted,* That it is the duty of the proprietor or one of his regular deputies:

1. To inspect the uncasing and breaking of any tobacco for inspection, and to examine and classify same according to law and his oath of office. Uncasing, etc.

2. To break each hogshead for inspection in at least four different places, drawing from each break at least four bundles or hands of tobacco, from different courses or layers, so as to get a fair and just representation of the quality and condition of the tobacco. Same.

3. To place these bundles together in one sample, to stamp with the following seal: "State Tobacco Inspection;" and mark with ink upon the label of the sample, the name of the warehouse, the planter's name, the warehouse number of the hogshead and its approximate gross weight, the date of inspection, and the name of the sampler drawing the sample. Marks.

4. He shall mark "A," or "Admitted," all sound, clear, well-assorted leaf tobacco, clear of lugs or trash, in good keeping order; and shall mark "R," or "Refused," all lugs or trash, or leaf mixed with lugs or trash, or clean leaf tobacco, if not in good keeping order. Same.

5. To condemn all hogsheads or casks that are insecure, or made of green or unsound timber, and mark upon the label of the sample, "Cask Condemned;" the cost of putting such hogshead in proper merchantable order shall be charged to the owner of the tobacco. Condemned.

6. He shall refuse to classify, and shall mark as "Damaged," expressing on the label the probable amount of damage, every hogshead so damaged, that the sample drawn will not show the character and extent of damage. Damaged.

7. He shall refuse to classify, and shall mark, "Condemned," any hogshead of tobacco that is falsely and fraudulently packed with intent to deceive, and shall give full information to the grand jury about such hogshead, from his books, when called upon to furnish same. Same.

8. To superintend the coopering and re-weighing; to see that each cask is replaced over the same tobacco from which it was taken; to mark the hogshead on both heads with distinct figures, specifying the correct weights. Casks.

9. To carefully enter in a book, to be provided and kept for that purpose alone, an account of every hogshead of tobacco inspected, stating the planter's name, warehouse number, the gross weight, the tare, the net weight, the price at which it sold, the purchaser's name, and its quality, whether "Admitted" or "Refused." Book.

SEC. 10. *Be it further enacted,* That after the tobacco is inspected, coopered, weighed and numbered, the warehouse ity. Responsibil-

keeper becomes responsible to the planter or owner for the weights and proper keeping of the tobacco.

**Samples.** SEC. 11. *Be it further enacted*, That no warehouse keeper, nor any one in his employment, shall take or convert to his own use, or dispose of, any samples of tobacco; but the same shall be delivered to the purchaser; and all loose tobacco shall be neatly returned to the hogshead from which it came, before cooping and weighing.

2. Any person violating this section shall forfeit fifty dollars for each offense—one half to the State, the other to the informer.

**Misdemeanor** SEC. 12. *Be it further enacted*, That if any person erase or in any way alter or deface any letter, mark, number or figure, put upon any hogshead by an inspector, or counterfeit the same, previous to the delivery to the purchaser, he is guilty of a misdemeanor.

**Sales.** SEC. 13. *Be it further enacted*, That no warehouse keeper shall sell publicly any sample of tobacco which has not been regularly inspected under the provisions of this Act, under a penalty of five dollars for each hogshead so sold, to be recovered by any person suing therefor.

SEC. 14. *Be it further enacted*, That when any warehouse keeper is called upon to inspect a lot of tobacco, he shall make a copy of the original sample card, and write on it, in plain letters, "Inspected," adding the date.

**Stored.** SEC. 15. *Be it further enacted*, That neither the proprietor, nor any agent or employe of such warehouse, shall, directly or indirectly, purchase or sell, on his own account, tobacco stored therein, under a penalty of fifty dollars for each hogshead so purchased or sold, to be recovered in the name and for the use of the State, before any Justice of the Peace.

2. This section is not to be construed as referring to the sale of crops of tobacco raised by the proprietor, or any of his agents or employes.

**Gratuities.** SEC. 16. *Be it further enacted*, That if any warehouse keeper accepts, directly or indirectly, any gratuity or reward, for anything by him done in the discharge of his official duties, he shall forfeit two hundred dollars to the State, and be, moreover, guilty of a misdemeanor, and punishable by fine. He shall also forfeit his license, and be forever after disqualified from holding the office of "Tobacco Inspector."

SEC. 17. *Be it further enacted*, That any planter or person shall inform the Clerk of the County Court of any dereliction of duty on the part of the warehouse keeper.

**Fraud.** SEC. 18. *Be it further enacted*, That any person who fraudulently packs or "nests" a hogshead of tobacco,

with intent to deceive, and obtain thereby more than its true value, is guilty of a misdemeanor, and shall be fined not less than fifty dollars nor more than five hundred dollars, and may be imprisoned not more than six months. Penalty.

SEC. 19. *Be it further enacted*, That the warehouse keeper shall keep posted up in some conspicuous place in his warehouse, a description of the hogsheads or casks, length, measurement, etc., best suited to contain tobacco for market.

SEC. 20. *Be it further enacted*, That the compensation of warehouse keepers for receiving, storing, inspecting, coo- Compensation  
 ering and selling tobacco, shall be as follows, viz: For to keeper.  
 each hogshead of tobacco, receiving and weighing, 50c.  
 Storage, 50c. Inspection and cooperage, \$1. Re-weighing,  
 25c. Auctioneer's fees, 25c. For selling, rendering ac-  
 count of sales, collecting the money and paying over, \$1,  
 and one per cent. commission on proceeds of sales. For  
 storage for one year or less, to be paid by the purchaser,  
 \$1.00.

SEC. 21. *Be it further enacted*, That any warehouse Overcharge.  
 keeper who shall charge more than is allowed in the pre-  
 ceding section is guilty of a misdemeanor, and is also lia-  
 ble to a penalty of ten dollars to the planter or person  
 overcharged, recoverable before any Justice of the Peace.

SEC. 22. *Be it further enacted*, That any planter, or Bids.  
 other owner of tobacco sold at auction, may, by paying  
 the fees, refuse at the time to take the price at which it  
 was cried off.

2. A lien is hereby given to the proprietor of the ware- Lien.  
 house on all tobacco and proceeds for fees and charges on  
 same.

SEC. 23. *Be it further enacted*, That no planter or per- Sales, etc.  
 son is prohibited by this Act from selling his tobacco at  
 private sale, with or without inspection, if he chooses so  
 to do, nor compelled to have his tobacco, though stored at  
 a licensed warehouse, inspected; but he may sell or ship  
 it, without inspection.

SEC. 24. *Be it further enacted*, That the Clerk of the Duty of  
Clerks of  
Co'ty Courts.  
 County Court shall attend to all prosecutions for penalties  
 under the provisions of this chapter, for the use of the  
 State, for which he shall receive ten per cent. on the sums  
 collected and paid into the State Treasury. He may also,  
 when necessary, call on the District Attorney to give pro-  
 fessional attention to such prosecutions, for which service  
 said attorney shall be allowed ten dollars, to be taxed in  
 the bill of costs.

SEC. 25. *Be it further enacted*, That the Judges of the  
 several Circuit Courts of this State be, and they are here-

Duty of  
Judges.

by required, at all the courts which they hold in counties where a Tobacco Inspection is established, to give this Act in charge to the Grand Jury, and direct said jury to make diligent inquiry in regard to any breaches of this Act, and particularly in regard to the conduct of Inspectors.

SEC. 26. *Be it further enacted*, That the "Tobacco Commercial Year" commences and ends on the first day of September of each year.

Private ware-  
houses.

SEC. 27. *Be it further enacted*, That nothing in this chapter contained shall prevent any person from establishing a private warehouse for the storage of tobacco.

Tax.

SEC. 28. *Be it further enacted*, That for the privilege of keeping a tobacco warehouse, under the provisions of this Act, the owners of such warehouse shall pay one hundred dollars per annum to the State; and this tax shall be paid and collected as other privilege taxes.

Passed January 25, 1871.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. D. THOMAS,

*Speaker of the Senate.*

Approved January 28, 1871.

D. W. C. SENTER,

*Governor.*

## CHAPTER LXVI.

AN ACT to Establish a New County out of Portions of the Territory of Hamilton and Bradley Counties, to be called the County of James, in Honor of the late Jesse J. James.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a new county be, and the same is hereby established out of fractions of the territory of Hamilton and Bradley counties, to be known as James county.

Boundary  
line.

SEC. 3. *Be it further enacted*, That the said county of James shall be bounded as follows: Beginning at the corner of Hamilton, Bradley and Meigs county lines; thence running along and with said Meigs county line to the middle of the Tennessee River; thence down the middle of said river to the Dallas island, leaving the said Dallas island in the new county; thence continuing down the middle of said river to a point opposite the mouth of the



Harrison Spring branch, where it enters into the said river below Harrison; from thence south-east of the residence of the late George House, on the East Tennessee and Georgia Railroad; thence south, south-west of the Georgia State line, at or near Blackwell's ford on Chicamauga Creek; thence with the Georgia State line to a point midway between Fayette Howard's residence in Bradley county, and the Hamilton county line; and thence north-west along Antioch Ridge across the old Alabama road, to T. C. Jones', leaving the said Jones in the new county; thence to the gap of Round Mountain; thence by Nathan Hince's, leaving the said Hince in the new county; and thence to the Hamilton county line at Johnson's Gap on White Oak Mountain; and thence with the Bradley county line to the beginning.

SEC. 3. *Be it further enacted*, That for the purposes of organizing said county of James, the following named persons are appointed commissioners, to-wit: James Talley, P. L. Matthews, James Childress, Jesse A. Green, James Guthrie, James Rogers, W. A. Pollard, of the county of Hamilton; and Nathan Hince and George Wells, of the county of Bradley; who shall, before entering upon the duties herein specified, take an oath before some Justice of the Peace, faithfully and impartially to discharge their duties as such commissioners; and in case of vacancy from any cause, or refusal to act on the part of any commissioner, his place shall be filled by the other commissioners, who shall elect his successor from the fraction of the county in which the vacancy occurred. A majority of said commissioners shall constitute a Board competent to do all things enjoined upon them as such commissioners; and they shall keep a record of their proceedings, which shall be returned by them to the County Court of said county of James, at its first session, and the same shall be recorded by the clerk thereof on the records of said court.

SEC. 4. *Be it further enacted*, That for the purpose of ascertaining the will of the people of the said fractions of Hamilton and Bradley counties in which they reside, as to the creation of said new county of James, said commissioners shall cause, at as early a day as practicable, an election to be opened and held in the fractions of the old counties that are to be included in the new county; at which election those voting for the new county shall have written or printed on their tickets or ballots, the words, "New County;" and those voting against it shall have written or printed on their tickets the words, "Old County;" and said commissioners shall have power to appoint

Powers.

suitable persons to open and hold said election; and such persons so appointed shall have power to appoint deputies, clerks and judges, and by themselves or deputies, to administer all necessary oaths, and do and perform all other duties necessary to the proper holding of said election. Said election shall be held at such times and places as may be designated by said commissioners, and upon such notice of time and place as said commissioners shall direct.

Voters, etc.

SEC. 5. *Be it further enacted*, That the qualified voters of the fractions aforesaid, composing said new county of James, in the election provided for in the 4th Section of this Act, shall vote at the election held in and for the fraction of the old county in which he resides; *provided*, that if there is more than one place of voting in said fraction, then it shall be lawful for said voter to cast his vote at any one of said places.

Returns.

SEC. 6. *Be it further enacted*, That the persons appointed and holding said election, shall make return of said election to said commissioners, at such time and place as they may designate in the order directing said election to be held, and who shall receive and count the vote of each fraction separately; and if the requisite constitutional majority is found in favor of the new county, then the said commissioners shall proceed to complete the organization of said county as hereinafter directed.

Civil Districts

SEC. 7. *Be it further enacted*, That whenever it shall be ascertained by the election aforesaid, that the vote of the people of the said fractions of said old counties are in favor of the said new county of James, then the commissioners aforesaid shall appoint not less than three, nor more than five, suitable persons, whose duty it shall be to divide said county into civil districts of convenient size, and fix the place of voting in each district. The numbers of said districts shall not exceed four for every one hundred square miles of said new county.

Election of  
county officers

SEC. 8. *Be it further enacted*, That as soon as said new county is laid off into civil districts, the said commissioners shall appoint suitable persons to open and hold an election in said new county, for the purpose of electing officers to the various county and district offices provided for by law for each county in this State; and such persons, so appointed, shall have full power and authority to appoint deputies, clerks and judges; and, by themselves and deputies, to administer all necessary oaths, and to do and perform all the duties incumbent upon them as officers of an election; said election to be held at the time to be fixed by the commissioners, upon the usual notice, and at the places designated in each civil district, as provided for in

section 7, and make due return thereof as the law directs.

SEC. 9. *Be it further enacted*, That said commissioners, as soon as it is ascertained that the people of the said fractions of said old counties have voted in favor of the new county, shall designate a temporary county site for said new county, and procure a suitable building in which to hold the courts in said county, until an election by the people can be held for the purpose of locating, permanently, the county site of said county; and the County Court of said county, at its first session, shall order an election to be held for the purpose of establishing the permanent county site; and said election shall be held and conducted, and returns made as now provided by law for elections. Each voter shall have written or printed on his ticket or ballot, the name of the place at which he desires the county site; and the place receiving the highest number of votes, shall be the permanent county site; and the County Court of said county shall proceed, as soon after the election as practicable, to locate the said site, and to procure the erection of the necessary county buildings. County Site.  
Election.

SEC. 10. *Be it further enacted*, That said commissioners shall have power to make any change, in the lines of said new county, if found necessary, so as to conform with the requirements of the constitution of this State. Line.

SEC. 11. *Be it further enacted*, That the County Court of Hamilton County, and the County Court of said new county of James, may appoint, each, two commissioners to settle any and all questions that may arise between the two counties, in reference to the county property of Hamilton County which may be included in the limits of the new county, whose decision, if they agree, shall be final; but, should they fail to agree, then they, the commissioners so appointed, shall choose a fifth person, as additional commissioner, and a decision of a majority of the commissioners shall be final; and the taxes to be assessed and collected for State and county purposes, for the year 1871, if said county is established, shall be collected for the new county. Commis'rs.

SEC. 12. *Be it further enacted*, That before the said new county shall be established, the commissioners appointed under this Act, shall cause an actual survey of said county to be made, and an actual enumeration of the qualified voters in the limits of said county, in order that it may be ascertained if the said new county has the required number of square miles, and the number of voters as required by the constitution. Survey, etc.

SEC. 13. *Be it further enacted*, That this Act shall tak

effect from and after its passage, the public welfare requiring it.

Passed January 27, 1871.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Approved January 30, 1871.

D. W. C. SENTER,

*Governor.*

## CHAPTER LXVII.

AN ACT to Change and Fix the Times for Holding the Circuit Courts in the Thirteenth Circuit, and Chancery Courts in the First Chancery Division.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Circuit Courts of the Thirteenth Circuit shall be held as follows: For Madison county, at Jackson, the first Mondays of January, May and September; for Dyer county, at Dyersburg, on the fourth Mondays of January, May and September; at Humboldt, in Gibson county, on the fourth Mondays of February, June and October; for Gibson county, at Trenton, on the third Mondays of April, August and December.

Madison co.

When to take effect.

SEC. 2. *Be it further enacted,* That this Act, so far as the change of the times of holding the Circuit Courts of the circuit aforesaid, shall not take effect until after the first term of the courts in each county of said circuit after the passage of this Act; and bonds and recognizances taken at said terms shall be made returnable to the terms as provided for in this Act.

Johnson co.

SEC. 3. *Be it further enacted,* That the times of holding the Chancery Court for the county of Johnson be changed from the fourth Mondays of March and September, to the third Monday of February and the second Monday of August; and that the time of holding the Chancery Court for the county of Carter be changed from the third Mondays of March and September, to the second Monday of February and the first Monday of August. Also, that the times for holding the Chancery Court for the county of Hamblen be changed from the second Mondays of May and November, to the second Mondays of January and July.

Hamblen co.

SEC. 4. *Be it further enacted*, That all process which is now or may hereafter be made returnable to any other time than that fixed in this Act, shall be transferred and returned to the time fixed by this Act, and shall have as full force and effect as though no change of time had been made. This shall apply to the First Chancery District. Return of process.

SEC. 5. *Be it further enacted*, That this Act shall not effect the holding of the Chancery Court at Elizabethton, on the third Monday of March, 1871, as now provided by law; but forever thereafter the court shall be held as set forth in this Act. Elizabethton.

Passed January 30, 1871.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved February 1, 1871.

D. W. C. SENTER,  
*Governor.*

## CHAPTER LXVIII.

AN ACT to Change the County Line between the Counties of Overton and Fentress.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county line between Overton and Fentress counties be so changed as to include the lands of James Amonett in Overton county.

Passed February 1, 1871.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved February 2, 1871.

D. W. C. SENTER,  
*Governor.*

## CHAPTER LXIX.

AN ACT for the Relief of the Secretary of State.

Fees.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the passage of this Act, the public welfare requiring it, the Secretary of State shall be allowed to demand and receive the following fees for the specific services hereinafter mentioned: For the signing and affixing the seal of the State, to each commission for judges and attorneys for the State, to be paid by the party receiving the same, one dollar.

May employ clerk.

SEC. 2. *Be it further enacted*, That in addition to the salary now allowed by law, the Secretary of State shall be allowed one hundred dollars per month, for the purpose of employing a clerk or assistant in his office, and the same shall be paid out of the treasury of the State, in the same manner as his regular salary; *Provided*, That the Secretary of State shall not be allowed any pay for copying the Acts of the Legislature; and that this Act take effect from and after its passage, the public welfare requiring it.

Passed January 24, 1871.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Approved January 26, 1871.

D. W. C. SENTER,

*Governor.*

## CHAPTER LXX.

AN ACT to Enable the Comptroller of the Treasury to Administer Oaths.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Comptroller of the Treasury of this State be authorized to administer all oaths necessary for the proper discharge of the duties of his office.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.  
Passed January 19, 1871.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved January 25, 1871.

D. W. C. SENTER,  
*Governor.*

## CHAPTER LXXI.

AN ACT to Amend the Exemption Laws, and to Comprise them all in one Act.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That there shall be exempt from execution, attachment or garnishment, thirty dollars of the wages of mechanics or other laboring men; *provided*, that the lien created by services of garnishment, shall only affect that portion of a laborer's wages that may be due at the time service is made, and not any future wages.

Wages exempt.

SEC. 2. *Be it further enacted*, That the following personal property shall be exempt from execution, seizure or attachment in the hands of heads of families: Two beds, bedsteads, and necessary clothing for each; and for each three children of any one family, one additional bed, bedstead, and necessary bed clothing—the value of such bedstead in no case to exceed twenty-five dollars; two cows and calves, and if the family consist of six or more persons, three cows or cows and calves; one dozen knives and forks, one dozen plates, half-dozen dishes, one set of table spoons, one set of tea spoons, one bread tray, two pitchers, one waiter, one coffee pot, one tea pot, one canister, one cream jug, one dozen cups and saucers, one dining table and two table cloths, one dozen chairs; one bureau, not to exceed forty dollars in value; one safe or press, one wash basin, one bowl and pitcher, one washing kettle, two washing tubs, one churn, one looking-glass, one chopping axe, one spinning-wheel, one loom and gear, one pair cotton cards, one pair wool cards, one cooking stove and utensils, or one set of ordinary cooking utensils, one meal seive and one wheat seive, one cradle, one Bible

Personal property.

Same.

Same.

and hymn book, and all books used in school; two horses or two mules, or one horse and mule, or one horse or mule and one yoke of oxen; one ox cart, yoke, ring, staple and log chain; one two or one horse wagon, not to exceed seventy-five dollars in value, and harness; one man's saddle, one woman's saddle; two riding bridles, twenty-five barrels of corn, twenty bushels of wheat, five hundred bundles of oats, five hundred bundles of fodder; one stack of hay, not to exceed twenty dollars in value; and if the family consist of less than six persons, one thousand pounds of pork, slaughtered or on foot, or six hundred pounds of bacon; or if the family consist of more than six persons, then twelve hundred pounds of pork, or nine hundred pounds of bacon; and all the poultry on hand, and fowls to the value of twenty-five dollars; a home-made carpet, manufactured by the wife or any female member of the family, for family use, and being so applied; six cords of wood, or one hundred bushels of coal; and to heads of families, or any single female who uses the same for a livelihood, one sewing machine.

Agricultural implements.

SEC. 3. *Be it further enacted*, That if the head of the family be engaged in agriculture, there shall be further exempt in his hands the following property: Two plows, two hoes, one grubbing hoe, one cutting knife, one harvest cradle, one set of plow gears, one pitchfork, one rake, three iron wedges, five head of sheep, and ten head of stock hogs.

Mechanic's tools, gun, etc

There shall also be exempt in the hands of each mechanic in the State, who is engaged in the pursuit of his trade or occupation, one set of mechanic's tools, such as are usual and necessary to the pursuit of his trade. There shall also be exempt, one gun in the hands of every male citizen of the age of eighteen years and upwards, and every female who is the head of a family. There shall also be exempt to the heads of families, fifty pounds of picked cotton and twenty-five pounds of wool, and a sufficient quantity of upper and sole leather to provide winter shoes for the family; and to each mechanic who is the head of a family, fifty dollars' worth of lumber or material.

Homestead.

SEC. 4. *Be it further enacted*, That a homestead in the possession of each head of a family, and the improvements thereon, to the value of, in all, one thousand dollars, shall be exempt from execution or attachment or sale, under legal process, in the manner prescribed by "An Act to secure a homestead to each head of a family in this State, and to give effect to section 2, article 11, of the Constitution, and to repeal chapter 85 of the Acts of 1867-8, and sections 2114 to 2123 of the Code, in regard to homesteads," chapter 80, passed June 27, 1870, and approved June 29, 1870.



SEC. 5. *Be it further enacted*, That all of said personal property and homestead shall be exempt from seizure in criminal as well as in civil cases, but not exempt from distress or sale for taxes; or on a judgment for failure or refusal to work on the public roads; or for fines and costs for voting out of the civil district or ward in which the voter lives; or for carrying deadly or concealed weapons contrary to law; or for giving away or selling intoxicating liquors on election days. Not exempt for taxes, etc.

SEC. 6. *Be it further enacted*, That when a debtor absconds or leaves his family, the exempted property shall be set apart for the use of the wife and family, and shall be exempt in the hands of the wife or children; and such property, on the death of the owner, shall be exempt in the hands of the widow and children, as prescribed in sections 2288, 2290 of the Code. Absconding debtor.

SEC. 7. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed January 31, 1871.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved February 1, 1871.

D. W. C. SENTER,  
*Governor.*

## CHAPTER LXXII.

AN ACT to Appoint a Board of Commissioners to Designate a new County Site for the County of Cocke, and to authorize the qualified voters of said County to vote upon the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Roil Justice, of the First Civil District; Moses Nease, of the Second District; William Maloy, of the Third District; Joseph Dawson, of the Fourth District; Jephtha Woods, of the Fifth District; James Lowe, of the Sixth District; George J. Thomas, of the Seventh District; James Woods, of the Eighth District; Jefferson Denton, of the Ninth District; Joseph Paget, of the Tenth District; Daniel Brock, of the Eleventh District; Andrew McMullen, of the Twelfth District; Board of Commissioners.

John Ford, of the Thirteenth District, are hereby appointed a Board of Commissioners, to designate a new county site for the county of Cocke.

Meeting, etc. SEC. 2. *Be it further enacted*, That said Board of Commissioners shall meet at the Court House in the town of Newport on the fourth Monday of March next; and after taking an oath, to be administered by the Clerk of the County Court, to the effect that to their deliberations and vote, they shall look alone to the general convenience and best interest of the whole people of said county, shall proceed to designate, by ballot or otherwise, such points in the county for the new county site as they may deem most eligible.

Voting. SEC. 3. *Be it further enacted*, That a majority of the votes of said Board of Commissioners shall be required to nominate the new site.

Clerk. SEC. 4. *Be it further enacted*, That the Clerk of the County Court shall act as Clerk to said Board of Commissioners, and shall keep a true and perfect record of the doings of said Board on file in his office, open for the inspection of citizens of said county, who may desire the examination of citizens of the same.

Election, etc. SEC. 5. *Be it further enacted*, That said Board of Commissioners, after agreeing upon a site, shall issue an order to the Sheriff of said county, setting forth that they have agreed upon a site, designating the same to the Sheriff, and directing that he open and hold an election, upon giving ten days' notice of the same in each Civil District, for the ratification or rejection of the nomination made by said Board of Commissioners.

Voting, etc. SEC. 6. *Be it further enacted*, That at said election each voter shall have written or printed on his ballot the word, "Old Site," or "New Site," and in the event that a majority of the qualified voters of said county voting in said election shall vote for the new site, then the County Court of said county are hereby directed to move or cause to be moved the county offices, records of said county, as soon as offices can be erected on the new site.

SEC. 7. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed January 26, 1871.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved January 28, 1871.

D. W. C. SENTER,  
*Governor.*

## CHAPTER LXXIII.

AN ACT Authorizing the Governor to Appoint Temporary Judges, Chancellors, and Attorneys-General in Certain Cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Governor be, and is hereby authorized to appoint a temporary Judge, Chancellor or Attorney-General in all cases where a contest has arisen, or may hereafter arise, in the election of any of said officers; and that they hold said offices and have all the power and jurisdiction pertaining to the offices to which they are respectively appointed, until the contest is judicially determined and the regularly elected officers duly qualified and commissioned; and that they be, and are hereby clothed with the same power, and shall receive the same compensation as is allowed said officers in other cases, to be paid out of the State Treasury upon a warrant of the Comptroller. Jurisdiction,  
Powers, etc.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.  
Passed January 28, 1871.

W. O'N. PERKINS.

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Approved February 1, 1871.

D. W. C. SENTER,

*Governor.*

## CHAPTER LXXIV.

AN ACT for the Protection of Sheriffs and Constables.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That no Sheriff or Constable shall be compelled to execute any subpoena or original summons in civil cases coming from any county other than the one in which he is an officer; unless the fees allowed him by law for the service of such process shall be paid in ad- Execution of  
subpoenas, etc.

vance; the public welfare requiring that this Act take effect from and after its passage.

Passed January 30, 1871.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved February 3, 1871.

D. W. C. SENTER,  
*Governor.*

## CHAPTER LXXV.

AN ACT in Relation to the Courts of Houston County.

*Be it enacted by the General Assembly of the State of Tennessee,* That the Judge of the Criminal Court of Montgomery county shall hold the Circuit Courts of Houston county, at such times as are now or may be fixed by law; and the Attorney-general of the Criminal Court of Montgomery county shall attend said courts in Houston county, and perform all the duties appertaining to his office, in said county; and that this Act shall take effect from and after its passage, the public welfare requiring it; and that all laws in conflict with this Act are hereby repealed. And especially is so much of An Act passed at the present session of this General Assembly, establishing said county of Houston, as is in conflict with this Act, be, and the same is hereby repealed.

Courts, Att'y-  
gen'l, etc.

Passed January 31, 1871.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved February 1, 1871.

D. W. C. SENTER,  
*Governor.*

## CHAPTER LXXVI.

AN ACT to Attach the County of Trousdale to the Seventh Judicial Circuit, and to Fix the Time of Holding the Circuit Court therein.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the County of Trousdale be, and Judge. the same is hereby attached to the Seventh Judicial Circuit; and the Judge of said Circuit shall hold the Circuit Court in and for said County of Trousdale.

SEC. 2. *Be it further enacted*, That the Circuit Court for said County of Trousdale shall be held at the county site thereof, on the first Mondays in January, May and September. Where held.

SEC. 3. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed January 31, 1871.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved February 1, 1871.

D. W. C. SENTER,  
*Governor.*

## CHAPTER LXXVII.

AN ACT for the Benefit of Perry County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all appeals from causes tried in the Circuit or Chancery Courts, held in and for the county of Perry, be, and the same shall be taken to the Supreme Court at Jackson, Tennessee; and Section 1, of An Act passed March 13, 1868, Chapter XXIV, entitled "An Act" [?] be and the same is hereby repealed. Appeals, etc.

SEC. 2. *Be it further enacted*, That this Act shall take

effect from and after its passage, the public welfare requiring it.

Passed February 1, 1871.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved February 2, 1871.

D. W. C. SENTER,  
*Governor.*

## CHAPTER LXXVIII.

AN ACT to Compel Railroad Companies in Tennessee to Fell or Cut down Trees standing in the Immediate vicinity of Railroads in said State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That each Railroad Company which is operating or controlling any railroad in this State, is hereby required and directed to fell or cut down, within six months from the passage of this Act, all standing trees which are six or more inches in diameter two feet above the surface of the earth, and of sufficient length to reach the bed or track of said railroad, in the event said trees were to fall at right angles in the direction of said railroad; *provided*, said trees stand upon lands owned, claimed or controlled by such Railroad Company for the right of way or other railroad purposes.

What kind.

Liability for damages.

SEC. 2. *Be it further enacted*, That said Railroad Companies shall be responsible for any damage resulting to persons or property from a failure to comply with the above requirement, and to a penalty of one hundred dollars; to be recovered on suit brought in the name of any citizen before any tribunal having jurisdiction; half of which penalty shall go to the Treasury of the county in which said provisions of the first section may have been disregarded, and the other half to the plaintiff in said action.

Passed February 1, 1871.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved February 2, 1871.

D. W. C. SENTER,  
*Governor.*

## CHAPTER LXXIX.

AN ACT to Amend An Act passed on the 16th of December, 1870,  
Creating the County of Bell.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county of Bell, when established, be detached from the Thirteenth Judicial Circuit, and attached to the Fourteenth (14) Judicial Circuit.

SEC. 2. *Be it further enacted*, That the public welfare requires that this Act take effect from and after its passage.  
Passed February 1, 1871.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved February 2, 1871.

D. W. C. SENTER,  
*Governor.*

## CHAPTER LXXX.

AN ACT Directory to C. J. McKinney, former Receiver of the Rogersville and Jefferson Railroad.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the remaining State bonds in the hands of C. J. McKinney, former Receiver of the Rogersville and Jefferson Railroad, appropriated to cover the bridge over Holston River, on said road, be paid over by said McKinney to the President or Receiver of said road, and by him appropriated to no other purpose whatever than the covering of said bridge. To pay over bonds.

SEC. 2. *Be it further enacted*, That the President or Receiver, by and with the assent of the stockholders, is hereby authorized and empowered to apply the net earnings of the said Rogersville and Jefferson Railroad to the covering of said bridge, until the same is fully paid for; Net earnings.

and that the public welfare requires that this Act shall take effect from and after its passage.

Passed February 1, 1871.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Approved February 1, 1871.

D. W. C. SENTER,

*Governor.*

## CHAPTER LXXXI.

AN ACT to Provide for the Appointment of Notaries Public.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That section seventeen hundred and ninety-two (1792) of the Code of Tennessee be amended so as to read as follows: There shall be appointed by the Justices of the County Court, if they deem it necessary, three Notaries Public in each county in the State, except the county of Davidson, in which there shall be six, and the county of Shelby, in which there shall be as many as the County Court may choose to elect; *provided*, that the county of Hamilton may have four Notaries Public, to hold their offices for four years.

Code 1792  
amended.

SEC. 2. *Be it further enacted by the authority aforesaid*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 1, 1871.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Approved February 1, 1871.

D. W. C. SENTER,

*Governor.*



## CHAPTER LXXXII.

**AN ACT** to Confer Criminal Jurisdiction upon the County Court of Hamilton County, and for other purposes.

**WHEREAS**, On account of the increased and increasing population of Hamilton county, variety of population and character of business; and in consideration of the Law and Chancery Courts at Chattanooga being merged into the Circuit and Chancery Courts of Hamilton county, and the removal of the county site, it is entirely impracticable for the Circuit Court of said county to transact the business of the criminal side of the said court, without great injury to civil litigants ; Therefore,

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter, the County Court of Hamilton county shall have jurisdiction of all criminal offenses, under the grade of grand larceny. Jurisdiction.

**SEC. 2.** *Be it further enacted*, That said court shall empanel a grand jury and traverse jury in the same way and manner, in all respects, as now conferred by law, and practiced by the Circuit Courts of this State; and the finding of indictments and trial of offenses shall be, in all respects, the same as in the Circuit Courts of this State, and cost of the same paid in the same way.

**SEC. 3.** *Be it further enacted*, That, the first court of the said county, for the transaction of such business, shall be holden on the first Mondays of March, 1871, May, August and November next, and forever thereafter on the first Mondays of February, May, August and November; said court to continue from day to day until all business is completed. Court, when to be held.

**SEC. 4.** *Be it further enacted*, That said court shall be holden by the Judge of the County Court of Hamilton county; said court shall have full power and authority, and shall be required to deliver charge and instructions to the grand and traverse juries, in the same manner as Circuit Judges, and in like manner to make all orders and render judgments according to law and evidence in the case. Powers, etc.

**SEC. 5.** *Be it further enacted*, That, to save the county from expenses of keeping prisoners in jail, the Judge of the County Court shall, at his meetings on the first Mondays of each month, cause a jury to be empaneled, to try all persons in jail or under recognizance, ready for trial. Jury, etc.

**SEC. 6.** *Be it further enacted*, That the Clerk of the

**Fees.** County Court of Hamilton county shall be entitled to and receive the same fees, pay and emoluments as Clerks of the Circuit Courts of this State, for similar services, and be liable as such in the same way.

**Process.** SEC. 7. *Be it further enacted,* That all process shall issue and be issued, and returnable and returned, in the same manner, to said terms of court, and in said court, as prescribed by law in the Circuit Courts of this State.

**Attorney-general.** SEC. 8. *Be it further enacted,* That there shall be an Attorney-general elected for said court, by the qualified voters of Hamilton county, who shall be commissioned by the Governor, and receive the same fees and pay as such, as the Attorney-general of the Fourth Circuit for similar services, and be liable in the same manner.

**Election.** SEC. 9. *Be it further enacted,* That said election shall be holden on the second Saturday in February, 1871, by the Sheriff of Hamilton county, in the same manner as elections are holden for members of the General Assembly of the State, and the qualifications of voters shall be the same.

**Fines, etc.** SEC. 10. *Be it further enacted,* That all fines and forfeitures shall be disposed of as if they had accrued in the Circuit Court.

**Appeals.** SEC. 11. *Be it further enacted,* That appeals, and appeals in the nature of writs of error, and writs of error, shall, in all criminal cases tried in said County Court, be made directly to the Supreme Court at Knoxville.

**Trials.** SEC. 12. *Be it further enacted,* That said court shall have power to set apart any day of the term of court for the trial of such criminal cases, and to adjourn from day to day.

SEC. 13. *Be it further enacted,* That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed February 1, 1871.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
D. B. THOMAS,  
*Speaker of the Senate.*

Approved February 2, 1871.

D. W. C. SENTER,  
*Governor.*

## CHAPTER LXXXIII.

**AN ACT** to More Effectually Secure the Collection of Forfeitures, or Forfeited Recognizances on Bail Bonds.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the Attorneys for the State, of the various Judicial and Criminal Districts of this State, shall, in addition to the compensation now allowed to them by law, be allowed to receive twenty-five per cent. on all sums of money collected and actually paid into the Treasury of the State and the treasury of the county, where the amount collected does not exceed two hundred and fifty dollars; and to receive ten per cent. on all sums of money collected and actually paid into the Treasury of the State or the treasury of the county, over said sum of two hundred and fifty dollars collected by said attorney for the State, from defendant or defendants and their security or securities, on bonds or recognizances entered into by defendant or defendants for their faithful appearance in court, when a forfeiture is taken against them for their non-appearance, according to the terms, stipulations and conditions of their respective bonds or recognizances, to answer such charge as the State may prefer against them.

Att'y-general  
may receive  
per cent.

Passed January 17, 1871.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved January 25, 1871.

D. W. C. SENTER,  
*Governor.*

## CHAPTER LXXXIV.

**AN ACT** to Amend the Criminal Laws of the State of Tennessee.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the District Attorneys for the State shall have power to call upon the Clerks of their various courts for process, between the terms of their respective courts, to secure the attendance of witnesses be-  
Process, etc.

fore the grand juries on the first day of the succeeding term, whenever, in their opinion, it is necessary to secure the ends of justice and protect the interests of the State.

SEC. 2. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed January 23, 1871.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Approved January 26, 1871.

D. W. C. SENTER,

*Governor.*

## CHAPTER LXXXV.

AN ACT to Fix the Compensation of Members of the General Assembly.

Preamble.

WHEREAS, Section 160, title 3, chapter 2, article 2, of the Code, provides that the members of the General Assembly shall be allowed the following compensation during the session: To the Speaker of each house, six dollars a day; to the other members, four dollars per day; to both, four dollars for every twenty-five miles going and returning to and from the place of session. Therefore,

Sec. 23, Art. 2  
of Constitution.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That said section 160 of the Code be, and the same is hereby repealed, except as to the compensation of the Speakers of each house. *And whereas*, Section 23, article 2, of the Constitution, provides that the sum of four dollars per day, and four dollars for twenty-five miles traveling to and from the seat of government, shall be allowed to the members of each General Assembly elected after the ratification of this Constitution, as a compensation for their services. But no member shall be paid for "any day when absent from his seat in the Legislature, unless physically unable to attend;" Therefore,

Compensation

SEC. 2. *Be it further enacted*, That the sum of four dollars per day, and four dollars for every twenty-five miles traveling to and from the seat of government, shall be allowed to the members of each house, as a compensation

for their services. But no member shall be paid for any Absence. day when absent from his seat in the Legislature, unless physically unable to attend.

SEC. 3. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed January 27, 1871.

W. O'N. PERKINS

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Approved January 28, 1871.

D. W. C. SENTER,

*Governor.*

## CHAPTER LXXXVI.

AN ACT to Authorize the Trustees of LaFayette Academy, situated in Bledsoe County, to sell the same, and appropriate the fund arising therefrom in the erection of a College in said County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Trustees of LaFayette Academy, situated in Bledsoe county, and their successors in office, be, and they are hereby, authorized and empowered to sell, or otherwise dispose of said Academy, and the lot of ground upon which it stands, and all appurtenances thereunto belonging, and to make conveyance for the same, and to invest the proceeds of the sale in stock of the company organized or to be organized in said county, for the purpose of building a College therein. May sell land, etc.

SEC. 2. *Be it further enacted*, That said fund shall be and remain as the Academy fund of said county, and be subject to the same legislative control and enactments as the other Academy funds of the State; and that the stock so subscribed shall be controlled by the State Trustees and their successors, in the way and manner that, in their judgment, will tend most to advance the interests of those for whose benefit the said Academy fund is intended. Academy fund.

SEC. 3. *Be it further enacted*, That the sale of said Academy shall not be made until there is at least five thousand dollars of *bona fide*, solvent stock subscribed for the Stock, etc.

erection of the College aforesaid; and the public welfare requires that this Act take effect from and after its passage.

Passed January 19, 1871.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved January 25, 1871.

D. W. C. SENTER,  
*Governor.*

## CHAPTER LXXXVII.

### AN ACT for the Relief of School Teachers.

Trustees to  
return war-  
rants.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Trustees of each county shall forward to the Comptroller of the State Treasury the school warrants in his possession, which were heretofore issued by the State of Tennessee for the purpose of paying the different school teachers in each county, with the names and the amount due each teacher; and the Comptroller shall issue to each teacher a warrant for the amount due to each, and cancel those received from the Trustee of each county.

Payment of  
taxes.

SEC. 2. *Be it further enacted,* That the Comptroller shall forward the said warrants issued to each teacher to the County Trustee, for distribution to the persons entitled to them; and said warrants so issued shall be receivable for taxes, when endorsed by the parties to whom they were issued. This Act to take effect from and after its passage, the public welfare requiring it.

Passed January 20, 1871.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved January 25, 1871.

D. W. C. SENTER,  
*Governor.*

## CHAPTER LXXXVIII.

AN ACT to Fix the Times of Holding the Chancery Courts in the Eleventh Chancery Division of the State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Chancery Courts of the Eleventh Chancery Division in Tennessee shall be held at the following times and places, to-wit: At Paris, for Times and places of holding. Henry county, on the second Mondays of March and September; at Huntingdon, for Carroll county, on the fourth Mondays of February and August; at Dresden, for Weakley county, on the second Mondays of January and July; at Troy, for Obion county, on the second Mondays of April and October; at Union City, in Obion county, on the fourth Mondays of January and July; at Tiptonville, in Lake county, on the fourth Mondays of April and November; at Dyersburg, for Dyer county, on the third Mondays of April and October; at Trenton, for Gibson county, on the third Monday of May and the second Monday in December; at Humboldt, in Gibson county, on the first Mondays in June and December.

SEC. 2. *Be it further enacted*, That this Act, so far as it relates to the times of holding the Chancery Courts of the Eleventh Chancery Division, shall take effect on the first Monday in February, 1871.

Passed December 16, 1870.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Approved January 23, 1871.

D. W. C. SENTER,

*Governor.*

## CHAPTER LXXXIX.

AN ACT to Amend An Act entitled "An Act to Preserve the Game of Rutherford and Fayette Counties."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section 1, of An Act entitled

Enclosed land "An Act for the preservation and protection of Game in Rutherford and Fayette counties," be so amended as to read: "In the county of Rutherford and the enclosed lands of the county of Fayette."

SEC. 2. *Be it further enacted*, That as the public welfare requires it, this Act shall take effect from and after its passage.

Passed January 23, 1871.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved January 26, 1871.

D. W. C. SENTER,  
*Governor.*

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## CHAPTER XC.

AN ACT to Create an Additional Civil District in Union County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That there be an additional Civil District created in Union county, to be composed of the fraction lying north of Powell's River.

SEC. 2. *Be it further enacted*, That this Act take effect on the first day of April, 1871.

Passed January 23, 1871.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved January 26, 1871.

D. W. C. SENTER,  
*Governor.*

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## CHAPTER XCI.

AN ACT to Change the Line between the Counties of Campbell and Scott.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county line between the coun-



ties of Campbell and Scott be changed as follows: Beginning where the line between Campbell and Scott counties strikes the Kentucky line; thence west with said Kentucky line to the extreme top of Fork Ridge; thence southward along the top of said ridge to the Campbell county line, so as to include all the waters of the Capuchin Fork of Tellico Creek in Campbell county. Boundary line

SEC. 2. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare requiring the same.

Passed January 23, 1871.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved January 26, 1871.

D. W. C. SENTER,  
*Governor.*

## CHAPTER XCII.

AN ACT to Change the Line between the Counties of Hamblen and Hawkins.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the line between the counties of Hamblen and Hawkins shall be, and the same is hereby changed, so as to run as follows: Beginning on the Holston river where the line between said counties now strikes the river; thence up the river with the meanders thereof, to a point on said river where the line extended from Mount Sterling north forty-one degrees west, will strike said river; thence with said line south forty-one degrees east, to Mount Sterling, so as to include all that part of Hawkins county lying south and east of Holston river, and south and west of said line running from Mount Sterling north forty-one degrees west, to the river, in said county of Hamblen. Boundary line

SEC. 2. *Be it further enacted*, That the Tax Collector of Hamblen county shall collect the taxes assessed for the year 1871, in the territory or district taken from Hawkins and attached to Hamblen; and the county revenue collected from the people of said territory or district for Taxes for the year 1871.

the year 1871, shall belong to and constitute a part of the county fund of said Hamblen county.

SEC. 3. *Be it further enacted*, That the public welfare requires that this Act shall take effect from and after its passage.

Passed January 20, 1871.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Approved January 24, 1871.

D. W. C. SENTER,

*Governor.*

## CHAPTER XCIII.

AN ACT to Amend An Act for the Formation of Etheridge County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That An Act passed May 31, 1870, entitled "An Act for the formation of Etheridge county," and the amendments thereto, passed July 8, 1870, be, and the same are hereby, so amended as to authorize the commissioners appointed under said Act, to make such changes in the lines of said new county of Etheridge as they may deem necessary, with a view to meet the public interest and wishes of the people to be affected thereby, subject only to the limitations and provisions of the Constitution of the State of Tennessee on the subject of new counties.

Commis'ners  
may change  
line.

SEC. 2. *Be it further enacted*, That before any changes in the boundary line of said new county shall be operative and take effect, it shall be the duty of said commissioners to hold another election, according to the Constitution and the Act for the formation of said new county, in a manner and form as therein provided; and it shall be the duty of the commissioners to have posted, in a conspicuous place, at the various voting places in said proposed new county, a correct plat of the said new county, certified to by said commissioners, that voters may know the shape and size of said new county, and vote understandingly.

Election, plat,  
etc.

SEC. 3. *Be it further enacted*, That such change shall not be made, nor said new county organized, without the consent of two-thirds of the qualified voters of each frac-

Two-thirds  
vote.

tion; and any words used by the voter upon his ballot equivalent to "new county," or "no new county," shall be counted as though in the precise language of the original Act, which this is intended to amend. <sup>Ballots.</sup>

SEC. 4. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed January 25, 1871.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved January 26, 1871.

D. W. C. SENTER,  
*Governor.*

## CHAPTER CXIV.

AN ACT to Repeal Sections 3952 and 3953 of the Code.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That so much of sections 3952 and 3953 of the Code of Tennessee as requires the publication in the public newspapers of each Grand Division of the State of the decisions of the Supreme Court, be, and the same are hereby repealed. <sup>Supreme Court Decisions.</sup>

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed January 23, 1871.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved January 26, 1871.

D. W. SENTER,  
*Governor.*

## CHAPTER XCV.

AN ACT to Provide a Contingent Fund in Counties having no Jail.

WHEREAS, In many counties in this State there is no Jail; and,

Preambles.

WHEREAS, The Sheriffs in said counties are frequently required to pay for transporting prisoners to adjacent county jails, out of their own means, to await the action of the court in making the necessary appropriation, which, in many instances, works a hardship upon the Sheriffs; Therefore,

County Courts to provide contingent fund.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be lawful for County Courts of counties in this State, which have no Jail, at any quarterly term, to appropriate a contingent fund in amount sufficient to pay all contingent expenses in transporting prisoners to and from jail; said appropriation to be made from time to time, so that the Sheriff may be able at any time, upon application to the County Trustee, to procure the money necessary, for which the Sheriff shall execute his receipt, showing the amount received, which receipt shall clearly set forth for what prisoner the money is expended.

County Trustees to keep account.

SEC. 2. *Be it further enacted*, That it shall be the duty of the County Trustee to keep a book, in which he shall keep an account, showing the amount appropriated from time to time; and also to keep a correct account of all moneys drawn from the contingent fund by the Sheriff.

Repealed.

SEC. 3. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed; and the public welfare requiring it, this Act shall take effect from and after its passage.

Passed January 28, 1871.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
D. B. THOMAS,  
*Speaker of the Senate.*

Approved January 30, 1871.

D. W. C. SENTER,  
*Governor.*

## CHAPTER XCVI.

## AN ACT to Increase the Common School Fund.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter, it may be lawful for the County Courts in this State, at any quarterly term thereof, to order the assessment and levy of a tax not less than fifty cents nor more than two dollars, upon the privilege of keeping each and every dog, exceeding one for each family, of any sex or kind, within the limits of said county; said tax to be assessed against the owner thereof, and to be collected as other taxes; and when collected, to constitute a part of the Common School fund of said county, and to be distributed as other school moneys are now provided by law; and that this Act take effect from and after its passage, the public welfare requiring the same.

Passed January 28, 1871.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved January 30, 1871.

D. W. C. SENTER,  
*Governor.*

## CHAPTER XCVII.

## AN ACT to Amend An Act passed July 7, 1870, to Establish a Criminal Court in the County of Knox.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That so much of section four, chapter (100) of An Act passed July seventh, 1870, to create a Criminal Court in Knox County, which gives the Judge to appoint jurors, the power to appoint grand and petit juries to attend said court, be, and the same is hereby repealed; and further, that it is hereby made the duty of the County Court of Knox County to appoint the jurors to attend said court, as is now provided by law in other counties.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.  
Passed February 1, 1871.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

JONATHAN MORRIS,  
*Speaker of the Senate, pro tem.*

Approved February 2, 1871.

D. W. C. SENTER,  
*Governor.*

## CHAPTER XCVIII.

AN ACT to Re-open the Navigation of the Big Hatchie River.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That An Act passed on the 25th day of November, 1865, entitled "An Act to restrict the Big Hatchie," be, and the same is hereby repealed; and that hereafter, as theretofore, the Big Hatchie is declared a navigable stream from its mouth to the railroad bridge at Bolivar.

SEC. 2. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed February 1, 1871.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved February 4, 1871.

D. W. C. SENTER,  
*Governor.*

## CHAPTER XCIX.

AN ACT to Amend Section Thirty-six Hundred and Twenty-five (3625) of the Code, in relation to the Rights of Co-securities.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a co-security, against whom judgment has been rendered for the whole debt, or who has paid the same, or more than his ratable share of said judgment, may have judgment, on motion, against all of the other parties to the instrument, whether included in the original judgment or not, for the ratable share of each. Co-security may have judgment.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.  
Passed February 1, 1871.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

JONATHAN MORRIS,  
*Speaker of the Senate, pro tem.*

Approved February 2, 1871.

D. W. C. SENTER,  
*Governor.*

## CHAPTER C.

AN ACT to Legalize Certain Marriages.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That whenever any marriage in this State may have been heretofore, or may hereafter be celebrated between persons, by license regularly issued as required by law, the same shall be valid and binding in law; and the issue thereof is hereby declared legitimate, although the baptismal name of either party may be omitted in said license, and a nick-name be used instead thereof; *provided*, the parties may have consummated the marriage by cohabitation, and can be identified as the persons between whom such marriage was solemnized. Baptismal or nick-names.  
Proviso.

SEC. 2. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed January 25, 1871.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
D. B. THOMAS,  
*Speaker of the Senate.*

Approved January 26, 1871.

D. W. C. SENTER,  
*Governor.*

## CHAPTER CL

AN ACT to Change the time of holding the Chancery Court in Hamblen County, in the First Chancery Division of Tennessee; and to repeal so much of An Act as fixes the time of holding the Chancery Court in Hamblen County from the second Mondays of May and November, to the third Mondays of January and July, passed July fifth (5), 1870.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the time of holding the Chancery Court in Hamblen County, in the First Chancery Division of Tennessee, be held on the third Mondays of January and July; and that so much of An Act passed July fifth (5), 1870, entitled "An Act to fix the time of holding the Chancery Courts," as fixes the time of holding the Chancery Court of Hamblen County on the second Mondays of May and November, be, and the same is hereby repealed; and that the public welfare requires that this Act shall take effect from and after its passage.

Repealed.

Passed February 11, 1871.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
D. B. THOMAS,  
*Speaker of the Senate.*

Approved February 2, 1871.

D. W. C. SENTER,  
*Governor.*



## CHAPTER CII.

AN ACT to Amend An Act passed December 21st, 1870, entitled "An Act to amend the Act of 1870, ch. 79, for the sale of the interest of the State in Delinquent Railroad Companies," passed July 1st, 1870.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the 4th section of An Act passed December 21st, 1870, to amend An Act for the sale of the interest of the State in delinquent Railroad Companies, <sup>Compensation to counsel.</sup> passed July 1st, 1870, be so amended that the compensation allowed to each retained counsel shall be fixed by the Chancellor holding the court, and shall not exceed two thousand dollars for each counsel, to be paid out of the fund arising from the sale of the delinquent Railroad Companies.

SEC. 2. *Be it further enacted*, That the Clerk and Master shall be allowed the usual fees for services rendered, <sup>C. & M's fees.</sup> but no commissions upon any sale that may be made under said Act.

SEC. 3. *Be it further enacted*, That the Court shall, from time to time, make the Commissioners, McKinney, Fogg and Wright, such an allowance, each, for services <sup>Commissioners' allowance</sup> rendered, as may seem just, not to exceed, in the aggregate, for each, three thousand dollars, to be paid out of the State Treasury.

SEC. 4. *Be it further enacted*, That whenever any railroad is sold by the Commissioners, under this Act, or the Act this is intended to amend, and the terms of the sale <sup>Purchasers to be put in possession.</sup> have been complied with, the purchaser or purchasers shall, upon demand, have and be placed in possession of such road; and any lease of such railroad, to any person or corporation, by Act of the General Assembly, shall terminate on the day such demand shall be made; *provided*, that should the State, or purchaser from the State <sup>Leases, etc.</sup> of any such railroad, demand possession of said road before the lessee or lessees have been reimbursed, all necessary and proper expenditures in operating the road so leased, from the earnings of said road, such excess of expenditures over earnings, shall be paid to the lessee or lessees, in accordance with the stipulations of such contract of lease.

SEC. 5. *Be it further enacted*, That any reimbursement that may be justly due, authorized by Act of the Legislature, to the lessee or lessees, for all necessary and proper expenditure in excess of the earnings in operating such <sup>Reimbursement.</sup>

State to pay. railroad, shall be paid by the State, out of the proceeds of the sale of the road; and the Commissioners for the State shall have full power to make such settlement with said lessee or lessees. This Act to take effect from and after its passage, the public welfare requiring it.

Passed February 1, 1871.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Approved February 3, 1871.

D. W. C. SENTER,

*Governor.*

## CHAPTER CIII.

AN ACT to Legalize the acts of Jesse Arnold, as Clerk and Master of the Chancery Court at Cookeville,

Preamble.

WHEREAS, The office of Clerk and Master of the Chancery Court at Cookeville, Tennessee, has been vacant since the second Monday in October, 1870; and that Jesse Arnold, who had before that time been acting in said office as the Deputy of the Clerk and Master of said court, has, by the request of the attorneys and others interested in the business of said court, since that time been discharging the duties and functions of Clerk and Master in said office; Therefore,

Acts made legal and valid.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all the acts done and performed in said office by said Jesse Arnold, since the second Monday in October, 1870, that could have been legitimately done by a regularly appointed and qualified Clerk and Master, are hereby declared legal and valid in all respects, as though the same had been done by a legally appointed and qualified Clerk and Master of said Chancery Court.

SEC. 2. *Be it further enacted*, That said Jesse Arnold be entitled to and receive the same fees for the services performed by him in said office, as are now by law allowed to Clerks and Masters of the Chancery Court for similar services.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring the same.

Passed February 1, 1871.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
D. B. THOMAS,  
*Speaker of the Senate.*

Approved February 4, 1871.

D. W. C. SENTER,  
*Governor.*

## CHAPTER CIV.

AN ACT to Change the Line between the Counties of White and Van Buren.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the line between the counties of White and Van Buren be so changed as to include the lands and residence of Asa Frazier in White county.

SEC. 2. *Be it further enacted*, That the public welfare requires that this Act shall take effect from and after its passage.

Passed February 1, 1871.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
JONATHAN MORRIS,  
*Speaker of the Senate, pro tem.*

Approved February 2, 1871.

D. W. C. SENTER,  
*Governor.*

## CHAPTER CV.

AN ACT to Provide for the Purchase of Railroads by the State under Certain Circumstances.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That if hereafter any railroad in this

Comptroller  
to bid at bank-  
rupt sales.

State, upon which the State has a lien, is sold under a decree of any court, sitting as a Court of Bankruptcy, the Comptroller of the Treasury be, and he is hereby authorized to bid the amount of the State's lien on the same, and if no higher bid is made to purchase the same for the State, at said bid; and in the event a higher bid is made, he is hereby authorized to receive from the purchaser the amount of the State's lien in any of the outstanding bonds or past due coupons of the State, in full satisfaction of said lien.

SEC. 2. *Be it further enacted*, That the public welfare requiring it, this Act take effect from and after its passage.

Passed February 1, 1871.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved February 2, 1871.

D. W. C. SENTER,  
*Governor.*

## CHAPTER CVI.

AN ACT to Fix the Amount of Appeal Bonds in Certain Cases.

Bond to pay  
costs.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in all cases in which by the decree of any court of equity, real estate is ordered to be sold, and the party whose real estate is so decreed to be sold prays and obtains an appeal to the Supreme Court, that he shall be required to execute a bond in an amount sufficient to pay costs of the cause in the court below and the Supreme Court.

SEC. 2. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare, requiring it.

Passed February 1, 1871.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved February 2, 1871.

D. W. C. SENTER,  
*Governor.*

## CHAPTER CVII.

AN ACT to Create the Office of Superintendent of Public Instruction.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the office of Superintendent of Public Instruction is hereby created; and for the purpose of economy, the Treasurer of the State is hereby made *ex-officio* said officer. State Treas'r.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.  
Passed February 2, 1871.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Approved February 3, 1871.

D. W. C. SENTER,

*Governor.*

## CHAPTER CVIII.

AN ACT to Construe and make Efficient An Act entitled "An Act to Authorize the Citizens of Morgan county to Vote upon the Removal of their Court-house, and for other purposes," passed 9th December, 1869, and the Amended Act thereto, passed 11th February, 1870.

WHEREAS, By virtue of the Act and Amendment thereto, mentioned and referred to in the caption of this Act, the citizens of Morgan county did, on the fourth Saturday of March, 1870, by ballot, remove the county site of Morgan county to Wartburg, and have erected at Wartburg a new court-house, and have sold and conveyed away the public property of the county in Montgomery; and, Preambles.

WHEREAS, The County Court of said county continued to hold its courts at Montgomery till October, 1870; and,

WHEREAS, One term of the Circuit Court for said county was held at Montgomery after the removal of the county site to Wartburg; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all the acts and doings of said Court are hereby ratified, and made legal and binding to Acts of Court  
legalized.

all intents and purposes, as though they had been held at the proper county site.

SEC. 2. *Be it further enacted*, That this Act take effect from and after the date of its passage, the public welfare requiring it.

Passed February 1, 1871.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Approved February 2, 1871.

D. W. C. SENTER,

*Governor.*

## CHAPTER CIX.

AN ACT to Amend the Sixth Section of An Act passed the 13th of March, 1868.

Circuit Court  
of Rutherford  
county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section (4251) forty-two hundred and fifty-one of the Code, so far as it confers criminal jurisdiction on the Circuit Court for Rutherford county, and authorizes said Circuit Court to empanel Grand Juries at its regular terms to find bills of indictment and presentments, and transfer them to the Criminal Court for said county, be and the same is hereby repealed.

Passed February 1, 1871.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Approved February 2, 1871.

D. W. C. SENTER,

*Governor.*

## CHAPTER CX.

AN ACT to Amend An Act passed 4th July, 1870, approved 8th July, 1870, entitled "An Act to Reorganize and Regulate Common Schools."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Act passed 7th July, 1870, approved 8th July, 1870, entitled "An Act to reorganize and regulate Common Schools," be, and the same is amended in the manner and form following—that is to say :

1. That section 2 of said Act be so amended as to read, "the interest arising from this Common School fund shall constitute an indebtedness and liability on the part of the State of Tennessee for the purpose aforesaid; and a correct account and statement thereof shall be kept by the Treasurer, and as the same may be realized shall be apportioned by him as hereinafter directed, and shall be paid by the Treasurer as the moneys in his hands not otherwise appropriated may justify, upon the warrant of the Comptroller." Interest on School Fund.

2. That section 9 of said Act be amended by adding, after the word "Treasury" in the last line thereof, the words, "but in case a majority of the Justices are not in favor of levying such school tax, and shall refuse to do so, then the County Court shall order an election to be held to ascertain the wishes of a majority of the voters in the county as to levying said tax in the manner prescribed by sections 956, 957, 958, 959, 960, 961 and 962, of the Code of Tennessee, which are hereby re-enacted." Election to assess tax.

SEC. 2. *Be it further enacted*, That it shall be the duty of the Treasurer, as Superintendent of Public Instruction, in addition to the matters required by section 8 of said Act, to include in his report to the General Assembly, the statistical information required by section 31 of said Act. Duty of Treasurer.

SEC. 3. *Be it further enacted*, That it shall be the duty of the Clerk of the County Court to incorporate in his annual report to the Treasurer, the statistical information required by section 31 of said Act. Clerk of Co. Court.

SEC. 4. *Be it further enacted*, That the Commissioners of the school districts, in the capacity of a County Board of Education, may elect or appoint a County Superintendent of Common Schools, and such other agents or officers as said Board may determine; prescribe their duties and fix their Co. Board of Education.

Compensation

compensation, which compensation, together with the incidental expenses of said Board, shall be paid out of any levy made by the county for school purposes, in such manner and at such times as said Board may determine.

Sheriff to hold election.

SEC. 5. *Be it further enacted*, That whenever it shall appear to the Sheriff or to the Judge or Chairman of the County Court, that there are no Commissioners in any school district, because of resignation, failure to act, or for any other reason, it shall be the duty of the Sheriff to hold a special election in said district to fill such vacancy; said election to be held as prescribed in relation to elections in said Act; and the same may be held by any constable of the county, upon the order of the Judge or Chairman, should the Sheriff fail or neglect to do so.

Com'rs may buy real estate

SEC. 6. *Be it further enacted*, That the Commissioners of the various school districts may purchase and hold such real estate as may be necessary for the erection of school-houses, and may erect thereon such houses as may be necessary for the accommodation of the scholastic population of the district, and may pay for such real estate and improvements out of any moneys in their hands, or subject to their control as such Commissioners.

SEC. 7. *Be it further enacted*, This Act to take effect from and after its passage, the public welfare requiring it.  
Passed February 2, 1871.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Approved February 3, 1871.

D. W. C. SENTER,

*Governor.*



## CHAPTER CXI.

AN ACT to Change the Line between the Counties of Putnam and Overton.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the line between the counties of Putnam and Overton be so changed as to include the Elijah Peeke tract of land on which Elijah Peeke now lives within the said county of Putnam.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.  
Passed February 1, 1871.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

JONATHAN MORRIS,  
*Speaker of the Senate, pro tem.*

Approved February 2, 1871.

D. W. C. SENTER,  
*Governor.*

## CHAPTER CXII.

AN ACT to Remove Suits in Chancery, Circuit and County Courts in this State, where new Counties have been Formed, to said new Counties, where the Cause of Action originated within the Limits of said new County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all actions at law or in equity or causes in the County Court of any old county where new counties have been formed from the territory of the same, <sup>Removal of suits.</sup> and the parties interested in said suits live in the new counties so formed, and the subject matter of said suits originated within the limits of said new county, said suits, upon application of the parties litigant, or either of them, may be removed to said new county.

SEC. 2. *Be it further enacted*, That the County Courts of said new counties so formed, may appoint a commissioner or commissioners to transcribe the record of all title <sup>Records.</sup> deeds to lands lying in said new counties; and when said

Certificate of  
Register.

transcript is completed, the Register of the county from which the same is taken shall affix his certificate to said transcript, and the same shall be filed with the Register of the new county; and a copy from said transcript shall be as valid evidence of title in all courts of law and equity in this State as the original would be; *provided*, the expenses of said transcript shall be paid by the county or counties for whose benefit the same is made.

Passed February 2, 1871.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Approved February 3, 1871.

D. W. C. SENTER,

*Governor.*

## CHAPTER CXIII.

AN ACT to Amend An Act for the Formation of Bell County.

Taxes from  
other counties

Debts, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That An Act passed December 15, 1870, entitled "An Act for the formation of Bell county," be so amended as to make it the duty of the Tax Collectors of the counties of Fayette, Hardeman and McNairy, to pay over to the Trustee of Bell county, when elected and qualified, that portion of the taxes of said counties which has been collected by said Tax Collectors within the boundaries of Bell county for the year of 1871; and the said Trustee's receipt shall be a voucher to the said Tax Collectors of their respective counties; *provided*, that the county of Bell shall continue liable for their pro rata for all the debts contracted by their respective counties prior to their separation, and be entitled to their proportion of any stock or credit belonging to such old counties.

SEC. 2. *Be it further enacted*, That the provisions of this Act shall apply to all new counties created by this General Assembly, when the said new counties shall be fully and legally organized as required by law.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.  
Passed February 2, 1871.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved February 3, 1871.

D. W. C. SENTER,  
*Governor.*

## CHAPTER CXIV.

AN ACT to Amend An Act to Provide for the Appointment of Public Administrators and Guardians by the County Court.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section 4 of the Act to provide for the appointment of Public Administrators and Guardians by the County Court, be so amended as to insert after the word "minor," "or idiot or lunatic."

SEC. 2. *Be it further enacted*, That the public welfare requiring it, this Act to take effect from and after its passage.

Passed February 2, 1871.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved February 3, 1871.

D. W. C. SENTER,  
*Governor.*

## CHAPTER CXV.

AN ACT to Amend An Act passed June 30, 1870, entitled "An Act for the Benefit of the Blind School."

Agr. Bureau  
Claims.

Credits on.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That section 4 of An Act passed June 30, 1870, entitled "An Act for the benefit of the Blind School," be so amended, that if any person having a judgment or decree against the State Agricultural Bureau, and any person having a claim not reduced to a judgment or decree, and has filed the same, and the same has been found to be correct by the Comptroller and Attorney General for the State, that if such person or persons has or shall be a purchaser at the sale of the land referred to in said Act and ordered to be sold, he shall be credited upon his claim with the amount of the cash required, and shall not be required to pay the same, and shall, as his several purchase notes fall due, set off against the amount of the same so much of his claim as is necessary therefor, and only the excess of the amount due either way shall be demanded and payable in money. This Act to take effect from and after its passage, the public welfare requiring it.

Passed February 2, 1871.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved February 3, 1871.

D. W. C. SENTER,  
*Governor.*

## CHAPTER CXVI.

AN ACT to Encourage Retirement of the State Debt Incurred by the issuance of State Bonds to Railroad Companies.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That either or any of the Railroad

Companies in this State may issue their respective company bonds, in such amount, and bearing such rate of interest, not exceeding the legal rate of interest at the place where payable, as may be determined on by stockholders representing a majority of all the stock in the company of which bonds are proposed to be issued; and may secure the payment of such bonds, principal and interest, by mortgage of the franchises, road-bed, superstructure, equipment and property of every description of such Railroad Company; *provided*, the mortgage above authorized shall not be so construed as to interfere with prior liens, especially the liens of the State in the existing mortgage in favor of the State; *and provided further*, that nothing herein contained shall be construed in any way to impair or diminish the priority of the State's lien upon the property which may be mortgaged as herein provided for; and expressly bonds which have been or hereafter may be issued by the State, shall be and remain a first lien on all property of every description, of the railroad company to which said bonds may have been issued.

PROVISOR.

State's lien.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 2, 1871.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Approved February 3, 1871.

D. W. C. SENTER,

*Governor.*

## CHAPTER CXVII.

AN ACT to Change the Line between the Counties of Rutherford and Cannon.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the line between the counties of Rutherford and Cannon be so changed at a point a short distance south of Readyville, as to include in the county of Cannon about fifty acres of land of John H. Wood, now in the county of Rutherford, beginning at the line

between John H. Wood and J. L. Dunn. To take effect from and after its passage, the public welfare requiring it.  
Passed February 2, 1871.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved February 3, 1871.

D. W. C. SENTER,  
*Governor.*

## CHAPTER CXVIII.

AN ACT to Change the County Line between the Counties of Grainger and Union, and Roane and Loudon.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the line between Grainger and Union counties be so changed as to include in Union county all of the lands upon which these owners live, belonging to James Dyer, Sr., and James Dyer, Jr., lying in Grainger county.

SEC. 2. *Be it further enacted,* That the line between the counties of Roane and Loudon be so changed as to include all the home tract of land belonging to Jesse Preston and Henry Bogart in the county of Loudon.

SEC. 3. *Be it further enacted,* That the public welfare requiring it, this Act take effect from and after its passage.

Passed February 2, 1871.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. D. THOMAS,  
*Speaker of the Senate.*

Approved February 3, 1871.

D. W. C. SENTER,  
*Governor.*

## CHAPTER CXIX.

AN ACT to Compel the Various County Courts of this State to have all Bridges now Built, or hereafter to be Built, Secured by a Substantial railing.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the various County Courts of this State, in letting out all contracts for the erection of bridges, to require that they shall be made secure with good and substantial railing of the height of three feet. To be built.

SEC. 2. *Be it further enacted*, That it shall be the duty of the various County Courts of this State, at the first quarterly term after this Act goes into effect, to provide for letting out contracts to have all bridges in this State that have been heretofore built by order of said Court and not secured by good and substantial railing, in accordance with the provisions of section one of this Act. Heretofore built.

SEC. 3. *Be it further enacted*, That the public good requires it, that this Act shall take effect from and after its passage.

Passed February 1, 1871.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
D. B. THOMAS,  
*Speaker of the Senate.*

Approved February 2, 1871.

D. W. C. SENTER,  
*Governor.*

## CHAPTER CXX.

AN ACT to Amend Section 4032 of the Code of Tennessee, in Relation to Boarding Juries.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That section 4032 of the Code be so amended as to read: "That for boarding each jury, persons shall be allowed not more than fifteen dollars per day, within the discretion of the Court; and that all laws Fifteen dollars per day.

and parts of laws in conflict with this Act are hereby repealed.

SEC. 2. *Be it further enacted*, That, the public welfare requiring it, this Act take effect from and after its passage.

Passed January 20, 1871.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved January 25, 1871.

D. W. C. SENTER,  
*Governor.*

## CHAPTER CXXI.

AN ACT to Change the Line between the Counties of Marshall and Maury.

Lands of  
Wilkes and  
Coffey.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the line between the counties of Marshall and Maury be so changed as to include the tracts of land of John B. Wilkes and John Coffey, on which they respectively reside, in Maury county; *provided, however*, that the State and county taxes thereon, for the year 1871, be paid in Maury county.

SEC. 2. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed January 19, 1871.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved January 25, 1871.

D. W. C. SENTER,  
*Governor.*



## CHAPTER CXXII.

AN ACT to Prevent Abuses under the Attachment Laws of this State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That when the debtor and creditor are both non-residents of this State, and residents of the same Non-residents State, the creditor shall not have attachment against the property of his debtor, unless he swear that the property of the debtor has been fraudulently removed to this State to evade the process of law in the State of their domicile or residence.

SEC. 2. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed January 25, 1871.

W. O'N. PERKINS,  
*Speaker of the House of Representatives,*  
D. B. THOMAS,  
*Speaker of the Senate.*

Approved January 26, 1871.

D. W. C. SENTER,  
*Governor.*

## CHAPTER CXXIII.

AN ACT for the Improvement and Extension of the State Penitentiary.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Comptroller is hereby directed to audit the account of the Penitentiary against the Comptroller  
to audit acc't. State for the building of the new wall and the erection of the dry-house, and that when so audited and approved, he shall issue his warrants upon the State Treasurer to said Inspectors for the amount of said account; *provided*, the warrants so issued to said Inspectors shall be used by them Proviso. only as collateral security in borrowing money for the use and benefit of the Penitentiary, and shall not be hypothe-

Hypothecated

cated for a longer time than twelve months, at the end of which time said Inspectors shall redeem them out of the funds or proceeds of the Penitentiary, and return them to the Comptroller for cancellation; *provided*, the warrants so issued shall not be redeemed by the Comptroller of the Treasury until after the maturity of the loan.

Branches of the Penitentiary.

SEC. 2. *Be it further enacted*, That the Inspectors of the Penitentiary be authorized to establish at Tracy City and Battle Creek Mines, branches of the State Penitentiary, under such restrictions as they may determine; *provided*, however, that the State shall be at no charge for building and maintaining said branches.

SEC. 3. *Be it further enacted*, That this Act take effect, the public welfare requiring it, from and after its passage  
Passed February 1, 1871.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved February 2, 1871.

D. W. C. SENTER,  
*Governor.*

## CHAPTER CXXIV.

AN ACT to License Billiard Tables, Jenny Lind Tables, Pool Tables and Ten Pin Alleys.

Clerks to issue licenses.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the various County Court Clerks of this State be, and they are hereby authorized to issue a license to any person or persons applying for the same, to keep a billiard table, Jenny Lind table, pool table, ten pin alley, at any one place in the county; and the said license shall continue one for one year from the date of its issuance.

Amount of taxes.

SEC. 2. *Be it further enacted*, That before said Clerk shall issue the license aforesaid, the applicant shall pay said Clerk, for the use of the State of Tennessee, the following sum of money: Twenty-five dollars apiece on each

billiard table or Jenny Lind table, pool table or ten pin alley.

SEC. 3. *Be it further enacted*, That each county or corporation shall have the right to tax the same; *Provided*, <sup>Corporation.</sup> that in no case shall they exceed the State tax.

SEC. 4. *Be it further enacted*, That any person who shall erect, put up or keep, for gain or for charge, without license, to any person using the same, either a billiard table, Jenny Lind table, pool table or ten pin alley, shall be fined not <sup>Fine.</sup> less than fifty dollars for each and every offense.

SEC. 5. *Be it further enacted*, That the Clerk shall receive two dollars for each license that he may issue under Clerk's fee. the provisions of this Act.

SEC. 6. *Be it further enacted*, That all laws and parts <sup>Repealed.</sup> of laws that come in conflict with this Act be, and the same are hereby repealed.

SEC. 7. *Be it further enacted*, That An Act passed March <sup>Same.</sup> 12, 1860, entitled "An Act to license Billiard Tables," be, and the same is hereby repealed.

SEC. 8. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed July 8, 1870.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
D. B. THOMAS,  
*Speaker of the Senate.*

Approved July 9, 1870.

D. W. C. SENTER,  
*Governor.*

## CHAPTER CXXV.

AN ACT to Increase the Revenue of the State by Taxing Skating Rinks.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be unlawful to keep open any place of amusement for gain or profit, commonly

Taxes on  
Skating Rinks

called a "Skating Rink," until the proprietor or proprietors thereof shall pay to the State a tax, for each "Skating Rink," in a city or town of twenty thousand inhabitants (20,000), one hundred dollars (\$100); in a city or town of ten thousand (10,000) inhabitants, and up to twenty thousand inhabitants, (20,000), fifty dollars (\$50); in a city or town of less than ten thousand (10,000) inhabitants, twenty-five dollars (\$25); and that the tax on Skating Rinks in the several counties of this State, when they may be established, shall go to the common school fund of such county.

SEC. 2. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed July 5, 1870.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
D. B. THOMAS,  
*Speaker of the Senate.*

Approved July 9, 1870.

D. W. C. SENTER,  
*Governor.*

## CHAPTER CXXVI.

AN ACT to Defray the Current Expenses of this Session of the General Assembly.

Members of  
Legislature.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Comptroller issue his warrant to each member of the Senate and House of Representatives, for the sums stated to be due each, in the annexed report of the Committee on Finance.

Officers.

SEC. 2. *Be it further enacted*, That the Comptroller issue his warrant to the officers of the Senate and House of Representatives, for the sum stated to be due to each in the annexed report of the Committee on Finance.

| SENATORS.                   | NO. OF MILES. | MILEAGE. | NO. OF DAYS. | PER DIEM. | TOTAL. |
|-----------------------------|---------------|----------|--------------|-----------|--------|
| Favor Cason.....            | 80            | 12.80    | 64           | 256       | 268.80 |
| J. M. Clementson.....       | 412           | 65.92    | "            | "         | 321.92 |
| Edmund Cooper.....          | 126           | 20.16    | "            | "         | 276.16 |
| Henry Cooper.....           |               |          | "            | "         | 256.00 |
| John Cubbins.....           | 600           | 96.00    | "            | "         | 352.00 |
| J. R. Eason.....            | 130           | 20.80    | "            | "         | 276.80 |
| Emerson Etheridge.....      | 268           | 42.88    | "            | "         | 298.88 |
| Asa Faulkner.....           | 210           | 33.60    | "            | "         | 289.60 |
| James C. Fleming.....       | 552           | 88.32    | 19           | 76        | 164.32 |
| William Green.....          | 690           | 110.40   | 64           | 256       | 366.40 |
| W. M. Hall.....             | 300           | 48.00    | "            | "         | 304.00 |
| J. S. Hart.....             | 70            | 11.20    | "            | "         | 267.20 |
| D. W. Hawes.....            | 160           | 25.60    | "            | "         | 281.60 |
| J. C. Luttrell.....         | 522           | 83.52    | "            | "         | 339.52 |
| A. C. Martin.....           | 256           | 40.96    | "            | "         | 296.96 |
| M. R. Millsaps.....         | 266           | 42.56    | "            | "         | 298.56 |
| Jonathan Morris.....        | 200           | 32.00    | "            | "         | 288.00 |
| D. M. McFall.....           | 36            | 5.76     | "            | "         | 261.76 |
| P. P. C. Nelson.....        | 740           | 118.40   | "            | "         | 374.40 |
| J. G. Palmer.....           | 590           | 94.40    | "            | "         | 350.40 |
| Balie Peyton.....           | 48            | 7.68     | "            | "         | 263.68 |
| A. A. Pearson.....          | 302           | 48.32    | "            | "         | 304.32 |
| L. F. Self.....             | 674           | 107.84   | "            | "         | 363.84 |
| D. C. Slaughter.....        | 478           | 76.48    | "            | "         | 332.48 |
| D. B. Thomas, Speaker.....  | 156           | 24.96    | "            | 384       | 408.96 |
| George A. Howord, P. C.,..  |               |          | "            | "         | 384.00 |
| Clay Newland, A. C.,.....   |               |          | "            | "         | 384.00 |
| T. L. Williams, E. C.,..... |               |          | "            | "         | 384.00 |
| W. R. McCall, D. K.,.....   |               |          | "            | 256       | 256.00 |
| Elias Polk, Porter.....     |               |          | "            | "         | 256.00 |

| REPRESENTATIVES.          | NO. OF MILES. | MILEAGE. | NO. OF DAYS. | PER DIEM. | TOTAL.   |
|---------------------------|---------------|----------|--------------|-----------|----------|
| J. H. Agee, .....         | 606           | 96.96    | 64           | \$256     | \$352.96 |
| J. P. Baber, .....        | 60            | 9.60     | "            | "         | 265.60   |
| James H. Baker, .....     | 700           | 112.00   | "            | "         | 368.00   |
| Thomas Barry, .....       | 54            | 8.64     | "            | "         | 264.64   |
| William Barton, .....     | 92            | 14.72    | "            | "         | 270.72   |
| J. I. R. Boyd, .....      | 762           | 123.92   | "            | "         | 379.92   |
| B. Boyett, .....          | 356           | 56.96    | "            | "         | 312.96   |
| F. M. Brashear, .....     | 260           | 41.60    | "            | "         | 297.60   |
| James M. Bright, .....    | 244           | 39.04    | "            | "         | 295.04   |
| Henry Brown, .....        | 274           | 59.84    | "            | "         | 315.84   |
| Zach. Bryant, .....       | 280           | 44.80    | "            | "         | 300.80   |
| W. P. Caldwell, .....     | 290           | 47.40    | "            | "         | 303.40   |
| R. W. Casey, .....        | 164           | 26.24    | "            | "         | 282.24   |
| J. W. Clark, .....        | 360           | 57.60    | "            | "         | 313.60   |
| R. B. Cheatham, .....     |               |          | "            | "         | 256.00   |
| F. D. Clark, .....        | 150           | 24.00    | "            | "         | 280.00   |
| Samuel L. Colville, ..... | 210           | 33.60    | "            | "         | 289.60   |
| A. W. Cox, .....          | 100           | 16.00    | "            | "         | 272.00   |
| J. D. Curl, .....         | 600           | 96.00    | "            | "         | 352.00   |
| J. R. Dillin, .....       | 40            | 6.40     | "            | "         | 262.40   |
| W. A. Dunlap, .....       |               |          | "            | "         |          |
| W. H. Eckle, .....        | 634           | 101.44   | "            | "         | 357.44   |
| B. A. Enloe, .....        | 266           | 42.26    | "            | "         | 298.26   |
| G. A. Everett, .....      | 150           | 24.00    | "            | "         | 280.00   |
| John M. Fleming, .....    | 526           | 84.16    | "            | "         | 340.16   |
| G. H. Glenn, .....        | 70            | 11.20    | "            | "         | 267.20   |
| G. P. Hampton, .....      | 176           | 28.16    | "            | "         | 284.16   |
| J. W. Harris, .....       | 136           | 21.76    | "            | "         | 277.76   |
| D. F. Harrison, .....     | 466           | 74.56    | "            | "         | 330.56   |
| W. F. Hinkle, .....       | 340           | 54.40    | "            | "         | 312.40   |
| J. G. Hornberger, .....   | 124           | 19.84    | "            | "         | 275.84   |
| J. H. Hunley, .....       | 606           | 96.96    | "            | "         | 352.96   |
| E. A. James, .....        | 302           | 48.32    | "            | "         | 304.32   |
| J. R. James, .....        | 100           | 16.00    | "            | "         | 272.00   |
| S. H. Jones, .....        | 400           | 64.00    | "            | "         | 320.00   |
| W. D. Keeney, .....       | 560           | 89.60    | "            | "         | 345.60   |
| W. J. Kelley, .....       | 260           | 41.60    | "            | "         | 297.60   |
| George Keuney, .....      | 660           | 105.60   | "            | "         | 361.60   |
| D. H. King, .....         | 375           | 60.00    | "            | "         | 316.00   |

| REPRESENTATIVES.       | NO. OF MILES. | MILEAGE. | NO. OF DAYS. | PER DIEM. | TOTAL. |
|------------------------|---------------|----------|--------------|-----------|--------|
| Ben. B. Knight,.....   | 172           | 31.52    | 64           | 256       | 287.52 |
| Jas. A. Lackey,.....   | 400           | 64.00    | "            | "         | 320.00 |
| Jas. A. Layman,.....   | 600           | 96.00    | "            | "         | 352.00 |
| J. G. Longacre,.....   | 260           | 41.60    | "            | "         | 297.60 |
| W. R. McBath,.....     | 520           | 83.20    | "            | "         | 339.20 |
| J. L. McCleary,.....   | 426           | 68.16    | "            | "         | 322.16 |
| M. L. McConnell,.....  | 554           | 88.64    | "            | "         | 344.64 |
| Thos. B. McElwee,..... | 420           | 67.20    | "            | "         | 323.20 |
| W. S. McGaughey,.....  | 674           | 107.84   | "            | "         | 363.84 |
| Merida Morrison,.....  | 200           | 32.00    | "            | "         | 288.00 |
| W. J. McFarland,.....  | 300           | 48.00    | "            | "         | 304.00 |
| James H. Neil,.....    | 126           | 20.16    | "            | "         | 276.16 |
| A. D. Nicks,.....      | 66            | 10.56    | "            | "         | 266.56 |
| W. T. Nixon,.....      | 150           | 24.00    | "            | "         | 280.00 |
| J. F. Owen,.....       | 442           | 70.72    | "            | "         | 326.72 |
| Peter Pearson,.....    | 250           | 40.00    | "            | "         | 296.00 |
| B. S. Rhea,.....       |               |          | "            | "         | 256.00 |
| E. W. Rose,.....       | 168           | 28.88    | "            | "         | 284.88 |
| J. L. Rosson,.....     | 500           | 80.00    | "            | "         | 336.00 |
| W. B. Russell,.....    | 100           | 16.00    | "            | "         | 272.00 |
| L. Russell,.....       | 60            | 9.60     | "            | "         | 265.60 |
| Alex. Reagin,.....     | 750           | 120.00   | 21           | 84        | 204.00 |
| W. R. Sadler,.....     | 188           | 30.08    | 64           | 256       | 286.08 |
| J. C. Sanders,.....    | 158           | 25.28    | "            | "         | 281.28 |
| J. F. Scott,.....      | 638           | 102.08   | "            | "         | 358.08 |
| H. R. Sherrod,.....    | 500           | 80.00    | "            | "         | 336.00 |
| F. S. Singletary,..... | 762           | 121.92   | "            | "         | 377.92 |
| John Slack,.....       | 788           | 126.08   | "            | "         | 382.08 |
| Fred. Slimp,.....      | 848           | 135.68   | "            | "         | 391.68 |
| Wm. Smith,.....        | 716           | 114.56   | "            | "         | 370.56 |
| R. Snodderly,.....     | 586           | 93.76    | "            | "         | 349.76 |
| A. L. Spears,.....     | 276           | 44.16    | "            | "         | 300.16 |
| Abner A. Steele,.....  | 130           | 20.80    | "            | "         | 276.80 |
| M. Stephens,.....      | 320           | 51.20    | "            | "         | 307.20 |
| Atha Thomas,.....      | 36            | 5.75     | "            | "         | 261.76 |
| H. Townsend,.....      | 600           | 96.00    | "            | "         | 352.00 |
| E. J. Tucker,.....     | 600           | 96.00    | "            | "         | 352.00 |
| I. D. Walker,.....     |               |          | "            | "         | 256.00 |
| S. L. Warren,.....     | 425           | 68.00    | "            | "         | 324.00 |
| W. A. West,.....       | 200           | 32.00    | "            | "         | 288.00 |

| REPRESENTATIVES.              | NO. OF MILES. | MILEAGE. | NO. OF DAYS. | PER DIEM. | TOTAL. |
|-------------------------------|---------------|----------|--------------|-----------|--------|
| James White,.....             | 676           | 108.16   | 64           | 256       | 364.16 |
| W. B. Wilson,.....            | 94            | 15.04    | "            | "         | 271.04 |
| R. G. Yoakum,.....            | 600           | 96.00    | "            | "         | 352.00 |
| Henry Young,.....             | 250           | 40.00    | "            | "         | 296.00 |
| W. O'N. Perkins, Speaker,     | 36            | 5.76     | "            | 384       | 389.76 |
| N. S. Brown, Jr., P. C.,..... |               |          | "            | "         | 384.00 |
| C. Roberts, A. C.,.....       |               |          | "            | "         | 384.00 |
| J. F. Slover, E. C.,.....     |               |          | "            | "         | 384.00 |
| E. F. Cheatham, A. E. C.,..   |               |          | "            | "         | 384.00 |
| A. F. Fleming, P. D. K.,..    |               |          | "            | 256       | 256.00 |
| J. L. Finnegan, A. D. K.,..   |               |          | "            | "         | 256.00 |
| Jesse Woods, Porter,.....     |               |          | "            | "         | 256.00 |
| Isaac Clemons, A. P.,.....    |               |          | "            | "         | 256.00 |

SEC. 3. *Be it further enacted*, That Jesse French be allowed three dollars per day for his services as Assistant Enrolling and Engrossing Clerk of the Senate for the present session.

SEC. 3. *Be it further enacted*, That the Comptroller issue his warrant to George A. Howard for the sum of two hundred dollars, as compensation for preparing an index for the Journals of the present session, and of the last session of this General Assembly.

SEC. 4. *Be it further enacted*, That the Principal Clerk be directed to remain a sufficient time after the adjournment to file all the papers of the Senate with the Secretary of State, and to have published the Journals of the last two sessions of this General Assembly.

SEC. 5. *Be it further enacted*, That for the above service, the Principal Clerk of the Senate shall receive his *per diem*, and thirty cents per page for copying the unfinished Journal.

SEC. 6. *Be it further enacted*, That the sum of three hundred and eighty-five dollars and twenty-five cents, is appropriated for the payment of the expenses of the Special Committee to investigate the charges made against members of the Committee on Delinquent Railroads; and that the Comptroller will issue his warrant on the Treasurer for the same in favor of Hon. J. R. Dillin, for \$37.85; W. S. McGaughy, \$48; W. J. Kelley, \$78; C.



C. Plummer, Sergeant, \$150. Witnesses—J. W. M. Grayson, \$18.80; Miles Gregory, \$18.30; Thos. S. Smith, \$18.30; P. P. C. Nelson, \$15.70.

SEC. 7. *Be it further enacted*, That the Comptroller issue his warrant on the Treasurer in favor of John W. Barry, for one hundred and fifty dollars, for writing side notes, or marginal references, for the first volume of the Acts passed by this General Assembly, (750 pages,) at its first session. J. W. Barry.

SEC. 8. *Be it further enacted*, That the Comptroller of the Treasury issue his warrant to J. F. Wagner, for one thousand and fifteen dollars, the amount due for labor performed for the State. J. F. Wagner.

SEC. 9. *Be it further enacted*, That the Comptroller issue his warrant on the Treasurer to William M. Hall, for forty dollars, as compensation for his services in going to Atlanta, Ga., as a member of the Railroad Investigating Committee, to take depositions; and that said Comptroller issue his warrant to Clay Newland for forty dollars, as Clerk said Committee, in traveling to Atlanta, Ga., McMinnville, Sparta and Decherd. Wm. M. Hall.

SEC. 10. *Be it further enacted*, That the Comptroller issue his warrant on the Treasurer, to pay the publishers and proprietors of newspapers for the papers furnished the General Assembly up to the end of this session, at the current subscription price of the same; *provided*, said payment shall be made in accordance with a resolution passed by this General Assembly, regulating the number of papers each member and officer of the General Assembly shall receive at the expense of the State. Publishers of newspapers.

SEC. 11. *Be it further enacted*, That the Comptroller issue his warrant on the Treasurer in favor of J. F. Scott, for fifty four dollars and eight cents—an error being thus made in the general appropriation bill of the first session of this General Assembly in the mileage of said Scott, said error being in stating 300 miles, when it should have been 638 miles. Said Scott having already received pay, but the Treasurer requires said warrant to balance accounts. J. F. Scott.

SEC. 12. *Be it further enacted*, That the Comptroller issue his warrant upon the Treasurer in favor of G. W. Blackburn for the sum of \$4,687.50, the same being in accordance with a joint resolution of the two houses of this General Assembly, adopted January 12th, 1871, and being the amount due said Blackburn on account of expenses for clerk hire in discharging the duties of Comptroller of the State. G. W. Blackburn.

SEC. 13. *Be it further enacted*, That the Comptroller

Jno. L. Finnegan. issue his warrant upon the Treasurer in favor of John L. Finnegan for the sum of \$14, the same being due him on account of expenses incurred in summoning witnesses to appear before the Committee of this General Assembly on settlement with J. E. Rust and John R. Henry, former Treasurer of this State.

R. W. Casey. SEC. 14. *Be it further enacted*, That the Comptroller issue his warrant on the Treasurer in favor of R. W. Casey for the sum of \$9.56, the same being for expenses of said Casey in attending as a witness before the Committee on the McMinnville and Manchester Railroad.

W. J. McFarland. SEC. 15. *Be it further enacted*, That the Comptroller issue his warrant upon the Treasurer, in favor of W. J. McFarland, for the sum of \$48, mileage, and \$12, *per diem*—in all, \$60—the same being his mileage and attendance at second session of this General Assembly.

R. I. Chester. SEC. 16. *Be it further enacted*, That the Comptroller issue his warrant upon the Treasurer, in favor of Robert I. Chester, for the sum of \$72, his mileage and *per diem* as a member of this General Assembly, as per resolution applying in this case, adopted by this House.

Principal Clerk of House. SEC. 17. *Be it further enacted*, That the Principal Clerk of the House of Representatives shall remain a sufficient length of time after the adjournment to file the papers of the House of Representatives in the office of the Secretary of State, and close up his business as Clerk, for which he shall be allowed his *per diem*, and thirty cents for copying the unfinished Journals, and also the sum of two hundred dollars for indexing same; that the Comptroller issue his warrant for the same.

Alf. Windel. SEC. 19. *Be it further enacted*, That the Comptroller issue his warrant upon the Treasurer, in favor of Alfred Windel, col'd, for one hundred and twenty-eight dollars, for sixty-four days service as porter, in attendance on water closets.

Wm. Winter. SEC. 20. *Be it further enacted*, That the Comptroller issue his warrant on the Treasurer, in favor of William Winter, for the sum of \$8, the same being due him for services rendered in acting as Assistant Doorkeeper in the organization of the House of Representatives in 1869.

J. W. Brown. SEC. 21. *Be it further enacted*, That the Comptroller issue his warrant on the Treasurer, in favor of J. W. Brown, for the sum of \$12.56, the same being due him for mileage and attendance before the investigating Committee on Railroads.

B. Embry. SEC. 22. *Be it further enacted*, That the Comptroller issue his warrant on the Treasurer, in favor of B. Embry, as Postmaster at Nashville, for the sum of \$67.61, the

same being due as postage on the various newspapers furnished this House.

SEC. 23. *Be it further enacted*, That the Comptroller issue his warrant in favor of James White, for fifty-four dollars and eighty-eight cents, being for mileage during the first session of this General Assembly—James White having received pay for the same, but the Treasurer requires this warrant for the purpose of balancing his accounts. James White.

SEC. 24. *Be it further enacted*, That the Secretary of State and Comptroller of the Treasury be, and are hereby, authorized to settle with the Public Printers for printing and binding the Journals of this and the last session of this General Assembly; *provided*, that the price for the same shall not exceed the price paid for printing and binding those of 1869-70. Public Print-  
ers.

SEC. 25. *Be it further enacted*, That the Comptroller issue his warrant upon the Treasurer, in favor of John F. Slover, for the sum of thirty dollars; said sum being due on account of extra clerk hire in engrossing bills, as per resolution applying in this case. J. F. Slover.

SEC. 26. *Be it further enacted*, That the Comptroller issue his warrants to the following persons for supplies furnished the State Penitentiary prior to the time it was taken charge of by the present Directors: To R. L. Weakley, for eleven hundred and seventy-one dollars and seventy-four cents (\$1,171.74); Walsh & McGowen, for two hundred and ninety-three dollars and forty-five cents (\$293.45); J. W. Wilson & Co., for five hundred and forty-six dollars and seventy-seven cents (\$546.77); S. H. Adkins, for an amount necessary to pay a note for one thousand dollars, with interest. Supplies fur-  
nished Peni-  
tentiary.

SEC. 27. *Be it further enacted*, That the Comptroller issue his warrant on the Treasurer for one thousand dollars each to Hon. E. H. Ewing, Hon. W. F. Cooper, Hon. T. A. Nelson. Ewing,  
Cooper and  
Nelson. R. Nelson, the amount due them for services to the State, in accordance with a resolution passed by this General Assembly at its first session.

SEC. 28. *Be it further enacted*, That the Comptroller issue his warrant to William Polk for one hundred and sixty-eight dollars, for services rendered the Senate as Assistant Porter. Wm. Polk.

Passed February 1, 1871.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
JONATHAN MORRIS,  
*Speaker of the Senate, pro tem.*

Approved February 2, 1871.

D. W. C. SENTER,  
*Governor.*



# RESOLUTIONS.

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## NUMBER I.

JOINT RESOLUTION Directory to the Comptroller.

*Be it resolved by the General Assembly of the State of Tennessee,* That the Comptroller of the Treasury shall, by advertisement, publish in one paper in each Division of the State, and one in the city of New York, for three months, notifying all whom it may concern, that the State of Tennessee will rely upon all legal and equitable defenses against all bonds issued, or purporting to be issued by the State of Tennessee, which have been illegally, improperly or fraudulently issued to or obtained by any railroad company, its agents, officers or attorneys, since the 1st day of March, 1866.

Adopted June 29, 1870.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Approved December 6, 1870.

D. W. C. SENTER,

*Governor.*

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## NUMBER II.

HOUSE JOINT RESOLUTION Directory to the Attorney-General  
for the State.

WHEREAS, Suits have been instituted in the Chancery Court at Winchester, in Franklin county, Tennessee—one

by and in the name of the stockholders of the McMinnville and Manchester Railroad Company, against D. E. Davenport, Receiver of said railroad; and another by and in the name of the stockholders of the Winchester and Alabama Railroad Company, against D. E. Davenport, former Receiver thereof; Therefore,

*Be it resolved by the General Assembly of the State of Tennessee,* That the Attorney General be authorized to make the State of Tennessee party thereto, by bill, answer or otherwise; and that the same be prosecuted in the same manner as suits are directed to be prosecuted against railroad companies by An Act passed at the present session of the General Assembly of the State of Tennessee.

Adopted July 7, 1870.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Approved July 9, 1870.

D. W. C. SENTER,

*Governor.*

## NUMBER III.

~~AN ACT TO PROVIDE FOR THE DISBURSEMENT OF THE COMPTROLLER.~~

~~Enacted, That the Comptroller be, and is hereby directed to issue warrants for all the Tennessee Money that has been or may hereafter be collected for common school purposes, and deliver them to the Treasurers of the several counties and municipalities to be paid out, as hereinafter.~~

~~Adopted July 8, 1870.~~

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

~~Approved July 9, 1870.~~

D. W. C. SENTER,

*Governor.*

## NUMBER IV.

HOUSE JOINT RESOLUTION Directory to the State Librarian.

*Resolved by the General Assembly of the State of Tennessee,* That the Librarian be, and he is hereby directed to buy and have put down a sufficiency of India matting to cover the floor of the Library; to pay for which the Comptroller will draw a warrant on the Treasurer of the State in favor of the party from whom said matting may be bought.

Adopted July 8, 1870.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved July 9, 1870.

D. W. C. SENTER,  
*Governor.*

## NUMBER V.

HOUSE JOINT RESOLUTION Directory to the Secretary of State.

*Resolved by the General Assembly of the State of Tennessee,* That the Secretary of State be, and he is hereby directed, to prepare a carefully "collated errata" of all omissions, &c., in the Acts of the 36th General Assembly; and the same, when compiled, be published in connection with the Acts of the adjourned session of this General Assembly, from the 9th of May to the 11th of July; and that the same shall constitute a part of said Acts, and shall be as effective as if incorporated in the body of said Acts.

Adopted July 8, 1870.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved July 9, 1870.

D. W. C. SENTER,  
*Governor.*

## NUMBER VI.

HOUSE JOINT RESOLUTION Directory to the President and Directors of the various Turnpike and Plank Road Companies in this State, in which the State is a Stockholder.

*Resolved*, That the President and Directory of the various Turnpike and Plank Road Companies in this State, in which the State is a stockholder, or loaned its bonds, shall report to the General Assembly on the first Monday in December, 1870, the true condition of their roads, together with profits and expenditures, and the amount of stock or interest the State owns in their respective roads, and the market value of the stock in said roads; and the Comptroller of the State shall call to the attention of said companies the requirements of this resolution.

Adopted July 9, 1870.

W. O'N. PERKINS.

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Approved July 9, 1870.

D. W. C. SENTER,

*Governor.*

## NUMBER VII.

HOUSE JOINT RESOLUTION of Thanks to Speakers Thomas, Perkins, and others.

*Resolved by the General Assembly of the State of Tennessee*, That the thanks of the Legislature and the people of Tennessee are eminently due, and they are hereby, cordially tendered to the Hon. D. B. Thomas, Speaker of the Senate, and the Hon. W. O'N. Perkins, Speaker of the House, for their services in aiding to prevent the military reconstruction of Tennessee, by voluntarily going to Washington and laying before Congress the true condition of affairs in this State.

*Resolved further*, That the thanks of this General Assembly, and of the people of the State, are hereby earnestly



tendered to all others who aided to prevent the military reconstruction of this State, thereby permitting our people to choose their own rulers, under our own liberal and truly republican Constitution.

Adopted July 9, 1870.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved December 6, 1870.

D. W. C. SENTER,  
*Governor.*

## NUMBER VIII.

HOUSE JOINT RESOLUTION Raising a Joint Committee to wait upon the Governor, and inform him of the organization of the General Assembly in Adjourned Session, and its readiness to receive any communication His Excellency may have to make.

*Resolved*, That a Joint Committee of three on the part of the House, and two on the part of the Senate, be appointed to wait upon the Governor, D. W. C. Senter, and inform him that this General Assembly has met and organized in adjourned session, and that they are ready to receive any communication which His Excellency may have to make touching the public interest.

Adopted December 8, 1870.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved December 13, 1870.

D. W. C. SENTER,  
*Governor.*

## NUMBER IX.

HOUSE JOINT RESOLUTION to Raise a Joint Special Committee to draft and present a general bill upon the subject of hereafter granting or amending charters, whether municipal or otherwise, within the State.

*Resolved by the General Assembly of the State of Tennessee,* That a Special Joint Committee, to consist of the chairman of the House Committee on Incorporations and two other members of the House, and three members of the Senate, be appointed to draft and present a general bill upon the subject of hereafter granting or amending charters, whether municipal or otherwise, within the State.

Adopted December 8, 1870.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Approved December 13, 1870.

D. W. C. SENTER,

*Governor.*

## NUMBER X.

HOUSE JOINT RESOLUTION, Raising a Committee to Investigate the Accounts of the late Treasurers, J. R. Henry and J. E. Rust.

*Be it resolved, by the General Assembly of the State of Tennessee,* That a Committee of two on the part of the House, and one on the part of the Senate, be appointed by the Speakers thereof, whose duty it shall be to make an investigation of the accounts of the late Treasurers, J. R. Henry and J. E. Rust, and if practicable, make settlement of said accounts, and report to the present term of this General Assembly, with all convenient dispatch.

*Be it further resolved,* That said committee be empowered to send for persons and papers, and be vested with

all power necessary for a proper investigation of said accounts.

Adopted December 9, 1870.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved December 13, 1870.

D. W. C. SENTER,  
*Governor.*

## NUMBER XI.

HOUSE JOINT RESOLUTION Directory to the Comptroller of the Treasury.

WHEREAS, It appears from the report of the Secretary of State, that there remains in the Manhattan Bank in New York, five hundred and twenty pieces of land scrip, belonging to the State, which was sold to one G. P. Lewis, and which he has failed to pay for; Therefore,

*Be it resolved,* That the Comptroller of the Treasury shall immediately take proper proceedings to obtain possession of said scrip, and report his proceedings to the present or some subsequent Legislature.

Adopted December 10, 1870.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved December 13, 1870.

D. W. C. SENTER,  
*Governor.*

## NUMBER XII.

HOUSE JOINT RESOLUTION Granting the use of the Basement of the Capitol to the Good Samaritans of the City of Nashville, on the Nights of the 14th and 15th instants.

*Resolved by the General Assembly of the State of Tennessee,* That the use of the basement of the Capitol be granted to the Nashville Ladies' Society of Good Samaritans, for the purpose of holding a festival for charitable purposes, on Wednesday and Thursday evenings, December 14th and 15th instant.

Adopted December 12, 1870.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved December 20, 1870.

D. W. C. SENTER,  
*Governor.*

## NUMBER XIII.

SENATE JOINT RESOLUTION to Take into Consideration the Report of Thomas H. Butler, Secretary of State.

*Be it resolved by the General Assembly of the State of Tennessee,* That a Joint Committee be appointed, consisting of one on the part of the Senate, and two on the part of the House, to take into consideration the report of Thomas H. Butler, Secretary of State, and report by bill or otherwise.

Adopted December 13, 1870.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved December 22, 1870.

D. W. C. SENTER,  
*Governor.*

## NUMBER XIV.

HOUSE JOINT RESOLUTION Directory to the Comptroller.

*Resolved by the General Assembly of the State of Tennessee,* That the Comptroller of the Treasury be, and he is hereby instructed not to credit any railroad company upon their indebtedness to the State, under the Act passed 20th day of January, 1870, until the amount for which the credit may be asked has been paid into the Treasury at Nashville; and the railroad companies are required to pay the expense of placing said amount in the State Treasury.

Adopted December 16, 1870.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved December 21, 1870.

D. W. C. SENTER,  
*Governor.*

## NUMBER XV.

HOUSE JOINT RESOLUTION Providing for a Recess of the Two Houses.

*Resolved by the General Assembly of the State of Tennessee,* That the two Houses take a recess on the 23d day of December, 1870, to Wednesday, January 4, 1871.

Adopted December 19, 1870.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved December 21, 1870.

D. W. C. SENTER,  
*Governor.*

## NUMBER XVI.

HOUSE JOINT RESOLUTION to Raise a Committee to Investigate the Affairs and Management of the Bank of Tennessee.

*Be it resolved by the General Assembly of the State of Tennessee,* That a committee of three upon the part of the House and three of the Senate, be appointed to investigate the affairs and management of the Bank of Tennessee; and in order to render the investigation thorough and complete, said committee be, and are hereby authorized and empowered to send for persons and papers, administer oaths, and if necessary employ the services of a competent person to examine the books of said bank and otherwise aid them in their investigation.

Adopted December 21, 1870.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved January 20, 1871.

D. W. C. SENTER,  
*Governor.*

## NUMBER XVII.

HOUSE JOINT RESOLUTION Directory to the Comptroller.

WHEREAS, Clinton Green, formerly Tax Collector of Robertson county, now deceased, was in arrears to the State as such Tax Collector to the amount of twenty-eight hundred and thirty-six dollars, (\$2,836), which amount has never been paid; and

WHEREAS, The State of Tennessee is justly indebted to Edward S. Cheatham, one of said Green's securities, in the sum of thirty hundred and thirty-three dollars, (\$3,033), for supplies furnished the Tennessee Penitentiary; and,

WHEREAS, The said Cheatham has transferred to Thomas L. Green, administrator of said Clinton Green, a part of his said claim against the State, viz: the sum of twenty-eight hundred and thirty-six dollars, (\$2,836); Therefore,

*Resolved,* That the Comptroller be, and he is hereby authorized and directed to receive and allow to said Thos.

L. Green, the said sum of twenty-eight hundred and thirty-six dollars (\$2,836), in a settlement with him as administrator of Clinton Green, and in full satisfaction of the balance due from the estate of said Clinton Green to the State of Tennessee. That the Comptroller be instructed to credit the account of Clinton Green, Tax Collector for Robertson county for 1859, with \$5,636.50, and charge the same to the Penitentiary, to be deducted by the Comptroller from appropriations that may hereafter be made to said Penitentiary.

Adopted December 21, 1871.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Approved December 22, 1870.

D. W. C. SENTER,

*Governor.*

## NUMBER XVIII.

HOUSE JOINT RESOLUTION to Authorize the Treasurer to Effect a Temporary Loan.

WHEREAS, It appears from the Special Reports of the Treasurer and Comptroller, submitted to the Adjourned Session of the General Assembly, as well as from other and previous Reports, that the straightened condition of the finances of the State is now such that the Treasurer is unable to defray certain necessary expenses named in his said special report; therefore,

*Be it resolved by the General Assembly of the State of Tennessee,* That the Treasurer be, and he is hereby authorized and directed to effect a temporary loan to the amount of three hundred thousand dollars, upon the most favorable terms practicable as to time and interest to be paid.

*Be it further resolved,* That said loan shall be effected upon the basis of State Bonds as collateral security; and that the Treasurer be, and is hereby authorized to call upon and to receive from the Comptroller the necessary number of bonds, to be used for this purpose alone as now prescribed by law in Section 3, of An Act passed July 6,

1870, and approved July 7, 1870, entitled "An Act to fix State Tax on property."

Adopted December 21, 1870.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved December 22, 1870.

D. W. C. SENTER,  
*Governor.*

## NUMBER XIX.

### HOUSE JOINT RESOLUTION for the Protection of the Tax Payers of the State.

WHEREAS, In Section 6, of Schedule to the amendments to the State Constitution, declared adopted February 25, 1865, all notes of the Bank of Tennessee or any of its Branches, issued on or after the 6th day of May, 1861, were declared unconstitutional, null and void; and subsequent Legislatures were prohibited thereby from providing for the redemption of said notes; and,

WHEREAS, Section 1, of Article II, of the New Constitution of Tennessee declares that "all ordinances contained in any former Constitution or schedule thereto, are hereby abrogated; and,

WHEREAS, Section 4, of Article 14, of the Federal Constitution, provides that "no State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, but all such debts and obligations shall be held illegal and void;" and,

WHEREAS, Said new issue of the Bank of Tennessee has been purchased at a merely nominal price by speculators, and is now held by them in amounts not known, but certainly very large; and,

WHEREAS, Suits are pending now before the Supreme Court of Tennessee to test the obligation of the State to receive new issue in payment of taxes and other dues; and

WHEREAS, The unascertained amount of said issue which may reach several millions—the deplorable condition of our finances—the magnitude of our just liabilities—the absence of equity so far as the present holders of



this issue is concerned—and justice to the people of Tennessee demand, that all legislative means should be resorted to, to arrest so grievous a burden as is now threatened; Therefore,

*Resolved*, That should the Supreme Court of the State be of opinion that the State is bound to receive said notes, it shall be the duty of the Attorney-general, aided by such learned counsel as the Governor is hereby authorized to employ, to carry said cases by appeal to the United States Courts, in the manner provided by law, to the end that the State's liability may be judicially determined by the court of the last resort.

*Resolved*, That a committee consisting of five on the part of the House and three on the part of the Senate, be appointed by the respective Houses, whose duty it shall be to ascertain,

1st. The probable amount of the new issue of the Bank of Tennessee and Branches;

2nd. The amount of the new issue, if any, in the Bank of Tennessee at present;

3rd. The amount of bank notes signed but never issued, at present in the Bank; and also the amount of notes not signed;

4th. The whereabouts of the dies and plates used in the manufacture of the notes of the Bank of Tennessee and Branches. Said committee is hereby authorized to send for persons and papers, and administer oaths; shall have full access to the books of the Bank, and report at the earliest day practicable.

Passed December 20, 1870.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Approved January 10, 1871.

D. W. C. SENTER,

*Governor.*

## NUMBER XX.

HOUSE JOINT RESOLUTION to Raise a Committee to Investigate Charges Against B. Lanier.

WHEREAS, It appears that in the investigation of the alleged school fund frauds, Mr. B. Lanier, of Davidson county, was denied the benefit of proof, from causes over which he had no control; and said proof being now within his reach, and will be entirely sufficient to exonerate him from the implied complicity in the school fund matter, he therefore prays a committee from the two houses of this General Assembly, who shall hear said proof and report the same; Therefore,

*Be it resolved by the General Assembly of the State of Tennessee,* That a committee of two on the part of the House, and one on the part of the Senate, be appointed, whose duty it shall be to examine as to the matters and things set forth in the preamble to this resolution, and report their action in the premises at as early a day as possible; and that said committee have power to send for persons and papers.

Passed January 11, 1871.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Approved January 20, 1871.

D. W. C. SENTER,

*Governor.*

## NUMBER XXI.

HOUSE JOINT RESOLUTION Directory to the Comptroller.

*Resolved by the General Assembly of the State of Tennessee,* That the Comptroller of the Treasury be, and he is hereby, instructed to issue his warrant upon the Treasurer of the State, in favor of G. W. Blackburn, for the sum of forty-six hundred and eighty-seven dollars and fifty cents (\$4,687.50), thus refunding to him money paid out

by him for labor done in the office of the Comptroller of the Treasury. Said sum to be included in the general appropriation bill of this session.

Passed January 11, 1871.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved January 12, 1871.

D. W. C. SENTER,  
*Governor.*

## NUMBER XXII.

JOINT RESOLUTION Directory to the Comptroller of the Treasury, in regard to Receivers of Railroads.

*Resolved by the General Assembly of the State of Tennessee,* That the Comptroller of the Treasury is hereby instructed and directed not to issue his warrant to any Railroad Receiver, for any claim whatever, for salary or otherwise, until said Receiver shall have first made a full and satisfactory settlement of his accounts as such Receiver with the State of Tennessee, and the railroad company of which he is the Receiver.

Adopted January 12, 1871.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved January 25, 1871.

D. W. C. SENTER,  
*Governor.*

## NUMBER XXIII.

HOUSE JOINT RESOLUTION Authorizing the Librarian to Procure Book Cases.

*Resolved by the General Assembly of the State of Tennessee,* That the Librarian be authorized to procure from the Penitentiary two plain, neat book cases, in which to preserve the finer books belonging to the Library.

Adopted January 12, 1871.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Approved January 20, 1871.

D. W. C. SENTER,

*Governor.*

## NUMBER XXIV.

HOUSE JOINT RESOLUTION Directory to the Governor.

*Resolved by the General Assembly of the State of Tennessee,* That the Governor be requested and authorized to furnish the Chancellor of the University of Nashville with one hundred and fifty muskets or other small arms, with accoutrements, for the use of the military department of said University. The arms and accoutrements to be delivered upon the proper authorities of the University executing a receipt and bond in double the value of said arms and accoutrements for their return in good condition when demanded by the Governor.

Adopted January 13, 1871.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Approved January 20, 1871.

D. W. C. SENTER,

*Governor.*

## NUMBER XXV.

HOUSE JOINT RESOLUTION Directory to the Treasurer of the State.

WHEREAS, An error of sixty-four dollars occurred in making up the pay of Jesse Woods for the Second Session of this General Assembly; Therefore, be it

*Resolved by the General Assembly of the State of Tennessee,* That the Treasurer of the State be, and he is hereby authorized to pay the said Jesse Woods, Porter, &c., sixty-four dollars, and that the same shall be provided for in the appropriation bill for the present session of this General Assembly.

Adopted January 14, 1871.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved January 20, 1871.

D. W. C. SENTER,  
*Governor.*

## NUMBER XXVI.

HOUSE JOINT RESOLUTION Authorizing the Comptroller to take Possession of and Occupy the office of Superintendent of Weights and Measures.

WHEREAS, The room in the Capital building is now occupied as the office of the Comptroller is too small to contain the accumulated books, papers, &c., belonging to that office, and allow the Comptroller to properly conduct the business of the office; Therefore,

*Resolved by the General Assembly of the State of Tennessee,* That the Comptroller be, and he is hereby authorized to take possession of and occupy the room adjacent to his office, formerly occupied as the office of the Superintendent-

ent of Weights and Measures, in addition to the one he now occupies.

Adopted January 18, 1871.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

JONATHAN MORRIS,  
*Speaker of the Senate, pro tem.*

Approved January 21, 1871.

D. W. C. SENTER,  
*Governor.*

## NUMBER XXVII.

HOUSE JOINT RESOLUTION Authorizing the Governor and Secretary of State to have the Carroll Monument Repaired.

*Resolved by the General Assembly of the State of Tennessee,* That the Governor and Secretary of State be authorized and directed to have repaired the monument in the City Cemetery at Nashville erected many years ago by the State in honor of Major General William Carroll, one of her early and distinguished Governors. The repairs only to the extent of renewing with sound material such parts as are in a decayed condition; and the Comptroller, upon the certificate of the Governor and Secretary of State, will issue his warrant on the Treasurer for the value of the repairs when completed.

Adopted January 18, 1871.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

JONATHAN MORRIS,  
*Speaker of the Senate, pro tem.*

Approved January 21, 1871.

D. W. C. SENTER,  
*Governor.*

## NUMBER XXVIII.

HOUSE JOINT RESOLUTION Directory to the Clerks of the two Houses of this General Assembly, and the Public Printer.

*Resolved by the General Assembly of the State of Tennessee,* That the Clerks of the Senate and House of Representatives be directed in making up and preparing the Journal of the late as well as the present adjourned session, to embrace in all one book the minutes of both sessions, as well as all reports necessary to be published; and that all testimony taken by regular or special committees of either House, or both Houses, be filed with the archives of the session, but not published.

Adopted January 20, 1871.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved January 25, 1871.

D. W. C. SENTER,  
*Governor.*

## NUMBER XXIX.

SENATE JOINT RESOLUTION Directory to the President and Directors of the Tennessee and Pacific Railroad Company.

*Resolved by the General Assembly of the State of Tennessee,* That the President and Directors of the Tennessee and Pacific Railroad Company, be, and they are hereby requested to render this General Assembly on or before the first day of February, 1871, a full and detailed account of all funds of every kind and description which have been received by them from all sources, and how the same has been disbursed, to whom paid and for what purpose paid, and what amount of said funds and of what kind, are now in their possession.

*Resolved further,* That the said President and Directors furnish also to this General Assembly a full and complete list of Stockholders in said railroad company, showing

the amount of stock subscribed by each stockholder, the date of each subscription, the amount paid by each at the time of subscribing, how much has been paid since, and the amount and date of any such subsequent payment, and how much, if any, remains unpaid upon such subscription of stock.

*Resolved further*, That the said President and Directors be required to furnish this General Assembly with a statement showing how far said road is completed and in operation, and cost of constructing and equipping the same, the cost of running it, and receipts or earnings of said Tennessee and Pacific Railroad.

Adopted January 20, 1871.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Approved January 24, 1871.

D. W. C. SENTER,

*Governor.*

## NUMBER XXX.

HOUSE JOINT RESOLUTION Providing for an Adjournment *sine die* on the 6th day of February, of both Houses of the 36th General Assembly.

*Resolved by the House of Representatives, the Senate concurring*, That both Houses of this General Assembly adjourn *sine die* on Monday, the 6th day of February, 1871.

Adopted January 26, 1871.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Approved January 28, 1871.

D. W. C. SENTER,

*Governor.*



## NUMBER XXXI.

HOUSE JOINT RESOLUTION Raising a Committee to Destroy Bank Notes or other Obligations of the Bank of Tennessee, in the possession of Samuel Watson, Trustee.

*Resolved by the General Assembly of the State of Tennessee,* That a committee of three on the part of the House, and three on the part of the Senate, together with the Comptroller and Treasurer, be appointed to burn or destroy Bank Notes, or other obligations of the Bank of Tennessee, in the possession or under the control of Samuel Watson, Trustee, which have never been signed, or which, if signed, have never been issued; and report their action to the present General Assembly.

Adopted January 27, 1871.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved January 28, 1871.

D. W. C. SENTER,  
*Governor.*

## NUMBER XXXII.

HOUSE JOINT RESOLUTION Directory to the Comptroller.

WHEREAS, By resolution of this House, passed on the — day of the present session, a Special Committee was raised to inspect and examine the account of D. F. Jackson, former Jailer of Shelby county, for fees as such Jailer for the years 1860 and 1861; and

WHEREAS, Said committee have made said examination, and find the amount of forty-nine hundred and sixty-two dollars and sixty cents (\$4,962.60) justly and properly due to said Jackson, for jail fees exclusively, which were never allowed by court, nor could have been, in consequence of the suspension of the courts of Shelby county in the year 1862; Therefore,

*Be it resolved by the General Assembly of the State of Tennessee, That the Comptroller be, and he is hereby, directed to issue his warrant upon the Treasurer of the State, directing him to pay said Jackson the said sum of \$4,962.60, in full of all claims and demands against the State in favor of said Jackson as such Jailer.*

Adopted January 25, 1871.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved January 26, 1871.

D. W. C. SENTER,  
*Governor.*

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## NUMBER XXXIII.

### HOUSE JOINT RESOLUTION Directory to the Governor, Relative to Furnishing Arms to Certain Institutions.

*Be it resolved by the General Assembly of the State of Tennessee, That the Governor be requested and authorized to furnish the President of the University of Knoxville with one hundred stand of arms, with accouterments, for the use of the Military Department of said University. The arms and accouterments to be delivered upon the proper authority of the University executing a receipt and bond in double the value of said arms and accouterments for their return in good condition, when demanded by the Governor. The University to pay all railroad and other charges incident to the shipment of said arms and accouterments.*

*Be it further resolved, That the Governor be requested to furnish the President and Trustees of Giles College arms and accouterments of the State, sufficient to equip and furnish one company of cadets, students of said institution, in order for them to drill and practice, under the same rules and conditions as set forth in the resolution authorizing the furnishing of the University of Knox-*

ville with one hundred stand of arms and accouterments.

Adopted January 24, 1871.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
D. B. THOMAS,  
*Speaker of the Senate.*

Approved January 26, 1871.

D. W. C. SENTER,  
*Governor.*

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## NUMBER XXXIV.

HOUSE JOINT RESOLUTION Authorizing the State Librarian to sell copies of the Constitutional Convention of Tennessee, 1870.

*Be it resolved by the General Assembly of the State of Tennessee, That the State Librarian be authorized to sell the copies of the Constitutional Convention of Tennessee, 1870, now in the Library of the State; provided, the proceeds of sale are paid into the State Treasury.*

Adopted January 25, 1871.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
D. B. THOMAS,  
*Speaker of the Senate.*

Approved January 26, 1871.

D. W. C. SENTER,  
*Governor.*

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## NUMBER XXXV.

HOUSE JOINT RESOLUTION Directory to the Comptroller.

*Resolved by the General Assembly of the State of Tennessee, That the Comptroller be, and is hereby, directed to report, by the 20th inst., or sooner, if practicable, specifically and in detail:*

First. What railroad companies have retired their indebtedness, or any part of it, to the State, under the provisions of the Act of January 20, 1870; the number of bonds and coupons received in payment of said indebtedness, and to what railroad company or companies the bonds received by him in payment of such indebtedness were originally issued.

Second. What railroad companies have paid the interest due the State on the 1st day of January, 1871; the number of bonds and coupons, or amount of money, received on account of interest from such railroad companies, and what railroad company or companies, such bonds were originally issued to.

Third. The amount due from each railroad company to which the bonds of the State have been issued on account "sinking fund," required to be paid annually by the general internal improvement law of this State, passed February 11, 1852.

Fourth. The amount of receipts and disbursements of each and every delinquent railroad company in this State since the passage of the Act of October 26, 1869, entitled "An Act to change the mode of appointing Receivers on delinquent railroads in this State," and the amount received from each President and Receiver; and what Receivers, if any, have failed to comply with the provisions of said Act.

Fifth. What railroad Receivers he has made settlements with, as required by section 1105 of the Code; what disposition he has made of the books of account, vouchers, and other original papers turned over to him by the Railroad Investigation Committee; and whether any steps have been taken to enforce a settlement with either or any of the railroads.

Sixth. The state of account of each Receiver with the State, and the amount received by him from each or any of them in liquidation of their indebtedness to the State.

*Be it further resolved,* That the Comptroller is hereby directed to call upon the Governor, Agent of the State, or Superintendent of the Nashville and Chattanooga Railroad Company, for a condensed statement of the receipts and disbursements of the Nashville and North-western Railroad, since said railroad was leased to the Nashville and Chattanooga Railroad Company, under the Act leasing said road, specifying in detail the amount received each month from passengers, freights transported, and other sources; the amount disbursed on account of construction, depots, equipments, repairs of machinery and rolling stock, salaries and ordinary and extraordinary expenses, together

with the full indebtedness of said road to the Nashville and Chattanooga Railroad Company on the 1st of January, 1871; also, a statement certified by the General Freight Agent of the Nashville and Chattanooga Railroad Company, showing the proportion allowed the Nashville and Northwestern Railroad on through freights from St. Louis to Atlanta, Georgia, and the proportion allowed each of the connecting roads composing the through line on the different classifications of freights; and to report specifically what disposition has been made of the bonds paid by the Nashville and Louisville Railroad Company, in discharge of their indebtedness.

Adopted January 19, 1871.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Approved January 26, 1871.

D. W. C. SENTER,

*Governor.*

## NUMBER XXXVI.

HOUSE JOINT RESOLUTION Directory to the Commissioners of the Greeneville and Warm Springs Turnpike Company.

*Resolved by the General Assembly of the State of Tennessee,* That the Commissioners of the Greeneville and Warm Springs Turnpike Company be, and they are hereby required to immediately transmit to this or the next General Assembly, a full and complete statement showing the amount of bonds by them received from the East Tennessee and Georgia Railroad Company, the disposition made of the same, the amount of funds now in their hands, together with a full and complete statement of the progress made in the construction of said Turnpike road, together with a statement of disbursements and for what purpose made.

Adopted January 25, 1871.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Approved January 28, 1871.

D. W. C. SENTER,

*Governor.*

## NUMBER XXXVII.

HOUSE JOINT RESOLUTION Rescinding House Joint Resolution No. 189, Directory to the Clerks of the two Houses.

*Be it resolved by the General Assembly of the State of Tennessee, That House Joint Resolution No. 189, directory to the Clerks of the two Houses of the General Assembly, in relation to making up the Journal and dispensing with the Appendix thereto, passed — 1871, be, and the same is hereby rescinded.*

Adopted January 26, 1871.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Approved January 28, 1871.

D. W. C. SENTER,

*Governor.*

## NUMBER XXXVIII.

HOUSE JOINT RESOLUTION Directory to the Comptroller.

*Resolved by the General Assembly of the State of Tennessee, That in payment of interest upon debts due from the State of Tennessee, the Comptroller be, and he is hereby requested to give priority to any interest-bearing claim against the State now held by the widow of any deceased President of the United States, residing within this State.*

Adopted January 28, 1871.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Approved January 31, 1871.

D. W. C. SENTER,

*Governor.*

## NUMBER XXXIX.

## RESOLUTION Directory to the Attorney-General.

*Resolved by the General Assembly of the State of Tennessee,* That the Attorney-general of the State be, and he is hereby directed, to examine into the title of the State of Tennessee to the property in the city of Memphis known as the "State Hospital," and report its present condition, value and whether the same should be sold, to the next Legislature.

Adopted January 27, 1871.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved February 1, 1871.

D. W. C. SENTER,  
*Governor.*

## NUMBER XL.

## RESOLUTION, Appointing James Park a Trustee in the East Tennessee University, at Knoxville, Tennessee.

*Be it resolved by the General Assembly of the State of Tennessee,* That James Park be, and is hereby appointed a Trustee in the East Tennessee University, to fill the vacancy in the Board of Trustees occasioned by the death of Thomas H. Calloway, late a Trustee in said University.

Adopted January 31, 1871.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved February 1, 1871.

D. W. C. SENTER,  
*Governor.*

## NUMBER XLI.

RESOLUTION Authorizing Thomas R. Smith to Commence Suits for the Recovery of the School Fund Deposited with the Tennessee National Bank.

*Resolved by the General Assembly of the State of Tennessee,* That Thomas R. Smith, attorney for the State in regard to the School Fund deposited with the Tennessee National Bank, be, and is hereby authorized, by and with the consent and approval of the Attorney-general of the State, to commence suits for the recovery of said fund, in the courts of this State, or in the courts of any other State; and for this purpose, if suits are instituted in the courts of any other State, may employ counsel, and advance out of the funds now in his hands, or that may hereafter be by him collected, such sum or sums of money as may be necessary to obtain security for costs, previous to instituting said suit or suits; and the expenses thus incurred, and the money so expended, shall be allowed to him on his settlement with the Treasurer of the State.

Adopted January 31, 1871.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Approved February 3, 1871.

D. W. C. SENTER,

*Governor.*

## NUMBER XLII.

HOUSE JOINT RESOLUTION Relative to the Investigation of the Committee Appointed to Investigate the Charges against the Railroad Investigating Committee.

*Resolved by the General Assembly of the State of Tennessee,* That whereas, John Baxter, Esq., preferred charges against certain members of this General Assembly, charging that they had been bought up by the corruptionists; and *whereas*, a special committee was appointed to investigate said charges, and said Baxter was permitted to appear



before said committee and conduct the prosecution, and much evidence was introduced before said committee, which has been reported by them; and *whereas*, said committee have submitted their report, exonerating said members against whom the charges were preferred;

*Resolved, therefore*, That it is the sense of this General Assembly that said charges should not have been preferred, and that said committee stand fully acquitted and sustained.

Adopted January 31, 1871.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved February 1, 1871.

D. W. C. SENTER,  
*Governor.*

## NUMBER XLIII.

### SENATE JOINT RESOLUTION to Protect the Capitol.

*Resolved by the General Assembly of the State of Tennessee*, That the Superintendent of the Capitol have the glass put in the windows, and the sash and trap door repaired in the dome of the Capitol; and also cement securely put in the joints of the exposed masonry of the dome, so as to prevent its leaking.

*Be it further resolved*, That no visitors be allowed admittance to the dome, unless in the presence of the Superintendent, whose duty it shall be to accompany visitors when called on, and to see that the doors and windows are kept shut and securely fastened.

Adopted February 1, 1871.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved February 2, 1871.

D. W. C. SENTER,  
*Governor.*

## NUMBER XLIV.

HOUSE JOINT RESOLUTION Directory to the Superintendent of the Capitol.

*Resolved by the General Assembly of the State of Tennessee,* That the Superintendent of the Capitol be directed to have the statuary around the Capitol cleaned and repainted, so as to save the same from further injury from the weather; and when the work is done, the Comptroller shall issue a warrant on the Treasury for the same; also, that the Superintendent be authorized to repair the lamps.

Adopted February 1, 1871.

W. O'N. PERKINS,

*Speaker of the House of Representatives.*

D. B. THOMAS,

*Speaker of the Senate.*

Approved February 4, 1871.

D. W. C. SENTER,

*Governor.*

## NUMBER XLV.

JOINT RESOLUTION in Reference to the Printing and Distribution of the Acts and Journals.

*Be it resolved by the General Assembly of the State of Tennessee,* That there shall be printed of the Acts of the present session of the Legislature, for distribution amongst the several counties of the State, as follows: one copy for every Justice of the Peace; one copy for each Sheriff; one copy for each Circuit Court Clerk; one copy for each County Court Clerk; one copy for each Chancery Court Clerk; one copy for each County Trustee; one copy for each County Register, Coroner, Entry Taker, Surveyor and Tax Collector; one copy for the use of Trustees of the County Academies; one copy of the Acts and Journals for each member of the present General Assembly; and two copies of the Journals for each county of the

State, and one hundred copies of each of the Acts and Journals for the State Library.

Adopted February 2, 1871.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
D. B. THOMAS,  
*Speaker of the Senate.*

Approved February 2, 1871.

D. W. C. SENTER,  
*Governor.*

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## NUMBER XLVI.

HOUSE JOINT RESOLUTION to Employ a Clerk for the Treasurer.

*Resolved by the General Assembly of the State of Tennessee,* That the Treasurer be, and he is hereby authorized to employ a Clerk, whose salary shall not be more than seven hundred and fifty dollars per annum.

Adopted February 2, 1871.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*  
D. B. THOMAS,  
*Speaker of the Senate.*

Approved February 3, 1871.

D. W. C. SENTER,  
*Governor.*

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## NUMBER XLVII.

JOINT RESOLUTION Directory to the Attorney-general

*Resolved by the General Assembly of the State of Tennessee,* That the Attorney-general of the State be, and he is hereby, instructed to at once bring suit against J. E. Rust and his securities upon his official bond or bonds, for any

unsettled balance due the State, which, when collected, he will pay into the Treasury.

Adopted February 2, 1871.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved February 3, 1871.

D. W. C. SENTER,  
*Governor.*

## NUMBER XLVIII.

HOUSE JOINT RESOLUTION Tendering Thanks to the Governor of the State.

*Resolved by the General Assembly of the State of Tennessee,* That the thanks of this General Assembly are due, and hereby tendered, to His Excellency, the Hon. DeWitt C. Senter, Governor of the State, for his kindness, affability and dignity, personal and official, in all his intercourse with either or both Houses thereof.

Adopted February 3, 1871.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

## NUMBER XLIX.

HOUSE JOINT RESOLUTION Favoring Immigration to the State.

*Resolved by the General Assembly of the State of Tennessee,* That the interests of the people of this State will be largely and efficiently promoted by immigration.

*Resolved further,* That we earnestly and cordially invite persons from other sections of our own country and from

abroad, to settle among us, and aid in promoting the wealth, prosperity and advancement of all.

*Resolved further*, That, on behalf of the people of Tennessee, we pledge to those who may settle among us, the full protection of the laws; *Provided*, that the invitation contained in the foregoing resolutions is not intended to embrace the natives of Africa or the natives of Eastern Asia.

Adopted February 3, 1871.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved February 3, 1871.

D. W. C. SENTER,  
*Governor.*

## NUMBER L.

HOUSE JOINT RESOLUTION to Grant the Use of the Hall of the House of Representatives to the Alumni of the Nashville University, of Nashville.

*Resolved by the General Assembly of the State of Tennessee*, That the use of the Hall of the House of Representatives be granted to the Agatheridan Society and the Alumni of the Nashville University, on the night of the 22d of February, 1871.

Adopted February 6, 1871.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved February 3, 1871.

D. W. C. SENTER,  
*Governor.*

## NUMBER LI.

## RESOLUTION Directory to the Comptroller.

WHEREAS, By chapter ninety-two (92) of the Acts of 1870, entitled, "An Act to provide for the issuance of duplicate bonds of the State, where the same have been destroyed, it is enacted that the Comptroller of the Treasury is authorized to have proof in relation to the loss or destruction of any bond of the State of Tennessee heretofore issued, and requiring the applicant to furnish description of the bond so lost, and the number of coupons clipped from the bond, and shall execute bond, with good and approved sureties, in such sum as the Comptroller may direct, conditioned that if the lost bond so claimed or destroyed is found, and the State pays the same or settles it, that the applicant and his sureties will fully indemnify the State from loss; and that the Comptroller should report his proceeding to the Legislature at each session; and

WHEREAS, The Comptroller of the Treasury has made his report in regard to the application of Thomas J. Hough, showing the loss of his bond, with full description of its date, numbers, and time to run, as well as coupons clipped from it, and the number attached to it at the time lost, and has executed bond, with D. J. Carter and J. M. Hawkins as securities; Therefore,

*Be it resolved by the General Assembly of the State of Tennessee,* That the Comptroller of the State be, and he is hereby directed to issue to Thomas J. Hough, a bond of the denomination of one thousand dollars, with coupons attached, known and designated as a green bond, and due January first, 1890, in lieu of bond number 1786, letter "C," dated January first, 1855, and due on the first day of January, 1892, and signed by Andrew Johnson, Governor of the State of Tennessee, and was issued to the East Tennessee and Virginia Railroad, under Act of the General Assembly of the State of Tennessee of the eleventh (11) day of February, 1852, which has been lost by said Thomas J. Hough; and shall issue to said Hough a warrant on the Treasury for such past due coupons as were attached to said bond when lost, and which are not on the new bond hereby directed to be issued; and shall enter on said bond so issued, in legible characters, the authority under which he issued said bond, and a full description of the lost bond for which the new bond is is-

sued; and if the State of Tennessee shall hereafter pay the original bond, or any of the coupons clipped from it, for the loss of which a new bond is by this resolution directed to be issued, then the Comptroller of the Treasury shall immediately demand of Thomas J. Hough, his heirs or representatives, the amount so paid; on their failure so to pay, then to institute suit for the recovery of the same from the maker and his securities on the bond.

Adopted January 31, 1871.

W. O'N. PERKINS,  
*Speaker of the House of Representatives.*

D. B. THOMAS,  
*Speaker of the Senate.*

Approved February 3, 1871.

D. W. C. SENTER,  
*Governor.*

STATE OF TENNESSEE,  
OFFICE OF THE SECRETARY OF STATE, }  
*Nashville, March 4, 1871.*

I, T. H. BUTLER, Secretary of State of the State of Tennessee, do hereby certify that I have carefully collated the foregoing Acts and Resolutions, with original copies on file in my office, and find them correctly printed.

T. H. BUTLER,  
*Secretary of State.*



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# INDEX.

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\_\_\_\_\_

| Chap. | Sec. | Page. |
|-------|------|-------|
|-------|------|-------|

B

|  |     |    |     |
|--|-----|----|-----|
| Battle Creek Mines, made a branch of State Penitentiary..... | 123 | 2  | 140 |
| Bell County, Act to establish.....                           | 16  | 1  | 15  |
| " " Attached to the 13th Circuit.....                        | 16  | 11 | 18  |
| " " Attached to the 14th Judicial Circuit.....               | 79  | 1  | 105 |
| " " Act for the formation of, amended.....                   | 113 | 1  | 132 |
| Billiard Tables, Act to license.....                         | 4   | 1  | 7   |
| " " " " " " " " " " " "                                      | 124 | 1  | 140 |
| " " " " " passed March 12, 1860, repealed.....               | 4   | 5  | 7   |
| Big Hatchie River, declared navigable.....                   | 98  | 1  | 120 |
| Blind Schools, Act for the benefit of, amended.....          | 115 | 1  | 184 |

|   | Chap. | Sec. | Page. |
|---|-------|------|-------|
| Blackburn, G. W., Comptroller to issue warrant for \$4,687.50, to...  | 126   | 12   | 147   |
| Bledsoe County, Chancery Court of, time of holding.....   | 40    | 1    | 42    |
| Blount County, to legalize acts of Entry Taker of.....  | 28    | 1    | 32    |
| Bonds, Act to protect interest of State, by reason of issuance of, to the<br>Mineral Home Railroad Company..... | 1     | 1    | 3     |
| “ City of Chattanooga may issue.....  | 64    | 1    | 84    |
| “ Proprietors of Tobacco Warehouses to enter into.....  | 65    | 4    | 85    |
| “ Bail, Act to more effectually collect, etc.....   | 83    | 1    | 109   |
| “ Appeal, Act to fix amount in certain cases.....   | 106   | 1    | 126   |
| “ State, Act to encourage retirement of.....  | 116   | 1    | 135   |
| Boarding Juries, Act in relation to.....  | 120   | 1    | 137   |
| Boards of Trade, how organized.....   | 54    | 16   | 75    |
| Bridges, County Courts to make all secure.....  | 119   | 1    | 137   |

## c

|   |     |    |     |
|---|-----|----|-----|
| Campbell County, line of, changed.....  | 91  | 1  | 115 |
| Cannon County, line of changed.....   | 18  | 3  | 21  |
| " " " " .....   | 117 | 1  | 135 |
| Carter County, lines of, established.....   | 57  | 1  | 78  |
| " " Act to create a new district in .....   | 57  | 1  | 78  |
| Chancellors, powers of, etc.....  | 31  | 1  | 35  |
| " may interchange, etc.....   | 34  | 1  | 37  |
| " temporary, Governor may appoint.....  | 73  | 1  | 101 |
| Chancery Courts, in 9th Chancery Division, Act to fix times and<br>places of holding..... | 10  | 1  | 11  |
| Chancery Court in Rutherford County, time of holding.....                                 | 22  | 1  | 24  |
| " " at Nashville, jurisdiction of, etc.....   | 23  | 1  | 25  |
| " " of Gibson County, jurisdiction of, extended.....                                      | 24  | 1  | 29  |
| " " Act to prevent conflict of jurisdiction in.....                                       | 34  | 1  | 37  |
| " " at Jackson, time of holding.....  | 39  | 1  | 41  |
| " " at Spencer, " " " .....   | 39  | 2  | 41  |
| " " in 3rd Chancery Division, time of holding.....  | 40  | 1  | 42  |
| " " may grant letters of incorporation.....   | 54  | 1  | 63  |
| " " Giles County, time of holding.....  | 55  | 2  | 76  |
| " " at Madisonville, abolished.....   | 56  | 1  | 77  |
| " " 3rd Division, Monroe County attached to.....  | 56  | 2  | 77  |
| " " First Chancery Division, to fix the time of holding                                   | 67  | 3  | 94  |
| " " time of holding in 11th Division.....   | 88  | 1  | 113 |
| " " places of holding in 11th Division.....   | 88  | 1  | 113 |
| " " in Hamblen County, Act to fix the time of holding                                     | 101 | 1  | 122 |
| Chancery District, McMinn and Monroe to constitute one.....                               | 56  | 3  | 77  |
| Charters, how they may be obtained.....   | 54  | 10 | 66  |
| " how they may be amended.....  | 54  | 14 | 67  |
| Chatanooga, City of, authorized to issue bonds, etc.....                                  | 64  | 1  | 84  |
| Chesnut Mound, town of, allowed an additional J. P.....                                   | 14  | 1  | 14  |
| Circuit, 7th Judicial, Trousdale County attached to.....                                  | 76  | 1  | 103 |
| " 14th " Bell County attached to.....   | 79  | 1  | 105 |
| Circuit Courts of Warren County, Act to change time of holding..                          | 15  | 1  | 15  |
| " " of Gibson, jurisdiction of, extended.....   | 24  | 1  | 29  |
| " " to fix the time of holding, in 13th Circuit.....                                      | 67  | 1  | 94  |
| " " of Houston County, Judge of the Criminal Court of<br>Montgomery County to hold.....   | 75  | 1  | 102 |
| " " of Rutherford County, in relation to.....   | 109 | 1  | 128 |
| Cities, the credit of, not to be loaned, etc.....   | 50  | 1  | 58  |
| Civil District in Union County, additional created .....                                  | 90  | 1  | 114 |
| Claims, loyal, parties can withdraw without charge.....                                   | 48  | 1  | 57  |
| Clerk and Master, Act in relation to fees of, etc.....                                    | 102 | 2  | 123 |
| " " " at Cookeville, Act to legalize acts of.....   | 103 | 1  | 124 |
| " " " in reference to, etc.....   | 62  | 1  | 83  |

|  | Chap. | Sec. | Page. |
|--|-------|------|-------|
| Cocke County, commissioners to designate county site for, appointed                                | 72    | 1    | 90    |
| Code, in relation to trespass upon property, etc., amended   | 36    | 1    | 39    |
| “ part of section 580, repealed  | 59    | 5    | 80    |
| “ amended in relation to ex-officio services of Sheriffs   | 38    | 1    | 40    |
| “ sections 1876 to 1907, repealed  | 65    | 1    | 85    |
| “ section 1480, in relation to expiration of charters, amended                                     | 54    | 12   | 66    |
| “ Act to amend An Act, amending section 3005 of  | 62    | 1    | 83    |
| “ in relation to Jail fees, sections 5430 and 5431 amended   | 7     | 1    | 9     |
| “ section in relation to powers of Chancellors, amended  | 31    | 1    | 35    |
| “ section 1792, in reference to Notaries Public, amended   | 81    | 1    | 106   |
| “ section 160 of, repealed   | 85    | 1    | 110   |
| “ sections 3952 and 3953 repealed  | 94    | 1    | 117   |
| “ section 3625, in relation to co-securities, amended  | 99    | 1    | 121   |
| “ section 4032, in relation to boarding juries, amended  | 120   | 1    | 137   |
| “ section 4251, in relation to criminal jurisdiction, etc., repealed                               | 109   | 1    | 128   |
| Coffee County, line of, changed  | 18    | 3    | 21    |
| Collection of forfeitures on forfeited recognizances on bail bonds, to more effectually secure the | 83    | 1    | 109   |
| Collectors of Revenue, duties of   | 52    | 1    | 61    |
| “ of State Revenue, duties of  | 9     | 1    | 10    |
| College in Bledsoe County, Trustees of LaFayette Academy may erect                                 | 86    | 1    | 111   |
| Common Carriers, Act to declare the rights of  | 17    | 1    | 19    |
| Common Schools, Act to reorganize and regulate, amended  | 110   | 1    | 129   |
| Common School Fund, Act increasing, etc.   | 5     | 1    | 8     |
| Commissioners to organize Bell County, appointed   | 16    | 3    | 16    |
| “ “ “ “ “ County Court to make ap-propriations to  | 16    | 13   | 19    |
| “ of Crocket County, may change county line  | 26    | 1    | 31    |
| “ Railroad, duty of  | 23    | 4    | 26    |
| “ to fix county lines of Carter and Sullivan Counties  | 41    | 1    | 43    |
| “ appointed to organize Houston County   | 46    | 3    | 50    |
| “ to organize James County, appointed  | 66    | 3    | 91    |
| “ to designate county site for Cocke County, appointed   | 72    | 1    | 99    |
| “ to organize Etheridge County, power and duties of  | 93    | 1    | 116   |
| “ for sale of delinquent Railroads, allowance to, not to exceed \$3,000                            | 102   | 3    | 123   |
| “ of School Fund, to receive certain moneys from the Treasurer                                     | 25    | 2    | 30    |
| Companies, Insurance, agents of, to pay tax  | 51    | 4    | 60    |
| “ Incorporated, to pay tax   | 51    | 5    | 61    |
| Compensation of proprietors of Tobacco Warehouses  | 65    | 20   | 89    |
| “ of Members of General Assembly, Act to fix   | 85    | 2    | 110   |
| “ of counsel in sale of Railroads, to be fixed by Chancellor                                       | 102   | 1    | 123   |
| Comptroller, not to pay bonds issued to Mineral Home R. R. Co.                                     | 1     | 2    | 3     |
| “ made Commissioner, etc.  | 25    | 1    | 29    |
| “ authorized to bring suit against delinquent R. R.'s, etc   | 44    | 1    | 47    |
| “ enabled to administer oaths  | 70    | 1    | 96    |
| “ shall issue certain warrants, etc.   | 87    | 1    | 112   |
| “ to bid at bankrupt sales for railroads, under certain circumstances                              | 105   | 1    | 126   |
| “ to audit account of Penitentiary Inspectors  | 123   | 1    | 139   |
| “ and Secretary of State to settle with Public Printer   | 126   | 24   | 149   |
| Conflict of jurisdiction in Chancery Courts, Act to prevent  | 34    | 1    | 37    |
| Constables and Sheriffs, Act for the protection of   | 74    | 1    | 101   |
| Conviction, former, in criminal cases, a bar, etc.   | 27    | 3    | 32    |
| Co-securities, in relation to rights of  | 99    | 1    | 121   |
| Construction of railroads, etc., granting further time to commence                                 | 11    | 1    | 13    |
| Corporations, private, general powers of   | 54    | 15   | 68    |

|  | Chap. | Sec. | Page. |
|--|-------|------|-------|
| Counties of Marshall and Maury, lines of, changed.....   | 121   | 1    | 138   |
| Counties, certain exempted from provisions of Act passed January<br>23, 1871.....  | 50    | 2    | 59    |
| County of Bell, Act to establish.....  | 16    | 1    | 15    |
| " of Crocket, Act to amend Act establishing the.....   | 28    | 1    | 31    |
| " of Carter, Act to create a new district in.....  | 57    | 1    | 78    |
| " of Hamilton, may indorse city bonds of Chattanooga.....  | 64    | 2    | 84    |
| " of James, Act to establish.....  | 66    | 1    | 90    |
| " site of James County, Commissioners to designate.....  | 66    | 9    | 93    |
| " " Cocke " " " " .....  | 72    | 1    | 99    |
| " of Trousdale attached to 7th Judicial Circuit.....   | 76    | 1    | 103   |
| " of Perry, Act for benefit of.....  | 77    | 1    | 103   |
| " of Bell, attached to 14th Judicial Circuit.....  | 79    | 1    | 105   |
| " of Etheridge, Act for formation of, amended.....   | 93    | 1    | 116   |
| " of Bell, " " " " .....   | 113   | 1    | 132   |
| County Court of Grundy Co. may submit question of taxation, etc.<br>" of Hamilton County to have criminal jurisdiction.... | 30    | 2    | 34    |
| " " may permit erection of gates, etc., on public roads...   | 82    | 1    | 107   |
| " " to provide a contingent fund.....  | 33    | 2    | 37    |
| " " of Knox County to appoint jurors.....  | 95    | 1    | 118   |
| " " to have all bridges secured by substantial railing...  | 97    | 1    | 119   |
| " " may levy tax on dogs for benefit of school fund.....   | 119   | 1    | 137   |
| " " of new counties may appoint commissioners to trans-<br>scribe record, etc. ....  | 96    | 1    | 119   |
| County Court Clerk, duties of, etc.....  | 112   | 2    | 131   |
| County lines, certain, changed.....  | 65    | 23   | 89    |
| " of Sullivan and Carter Counties, Act to establish....  | 18    | 1    | 20    |
| " " of Overton and Fentress changed.....   | 41    | 1    | 43    |
| " " of Scott and Campbell changed.....   | 68    | 1    | 95    |
| " " of Hamblen and Hawkins changed.....  | 91    | 1    | 115   |
| " " of White and Van Buren changed.....  | 92    | 1    | 115   |
| " " of Putnam and Overton changed.....   | 104   | 1    | 125   |
| " " of Rutherford and Cannon changed.....  | 111   | 1    | 131   |
| " " Grainger, Union, Roane and Loudon, changed.....  | 117   | 1    | 135   |
| Courts, Chancery, in 9th Chancery Division, Act to fix time and<br>place of holding.....                                   | 118   | 1    | 136   |
| " Chancery, in Rutherford County, time of holding.....   | 10    | 1    | 11    |
| " Circuit, of Warren, Act to change time of holding.....   | 22    | 1    | 24    |
| " Circuit and Chancery, of Gibson, jurisdiction of, extended..   | 15    | 1    | 15    |
| " County, of Grundy, may submit question of taxation, etc...   | 24    | 1    | 29    |
| " of Shelby County, to regulate return of mesne and final<br>process in.....   | 30    | 2    | 34    |
| " County, may permit erection of gates on public roads.....  | 32    | 1    | 36    |
| " Criminal, of Montgomery County, Act amending Act estab-<br>lishing.....  | 38    | 2    | 37    |
| " Criminal, of Montgomery County, times of holding .....   | 63    | 1    | 83    |
| " " Rutherford " " " " .....   | 63    | 1    | 83    |
| " Chancery, may grant letters of incorporation.....  | 55    | 1    | 76    |
| " " of Giles, time of holding.....   | 54    | 1    | 63    |
| " " at Madisonville, abolished.....  | 55    | 2    | 76    |
| " Circuit, to fix the time of holding in 13th Circuit.....   | 56    | 1    | 77    |
| " Chancery, First Chancery Division, to fix time of holding..  | 67    | 1    | 94    |
| " County, of Hamilton, to have criminal jurisdiction.....  | 67    | 3    | 94    |
| " Chancery, 11th Division, time of holding.....  | 82    | 1    | 107   |
| " " in Hamblen County, Act to fix time of holding..  | 88    | 1    | 113   |
| Creditors and debtors, in relation to non-residents, etc.....  | 101   | 1    | 122   |
| Criminal cases, amending laws in relation to pleading and practice   | 122   | 1    | 139   |
| Criminal Court of Montgomery County, amending Act establishing   | 27    | 1    | 31    |
| " " Judge of, to hold Circuit  | 63    | 1    | 82    |
| Courts of Houston County.....  | 75    | 1    | 102   |

|   | Chap. | Sec. | Page. |
|---|-------|------|-------|
| Criminal Court of Rutherford County, time of holding.....       | 55    | 1    | 76    |
| Criminal cases, to change qualifications of jurors in.....      | 57    | 1    | 78    |
| Criminal jurisdiction given to County Court of Hamilton Co..... | 82    | 1    | 107   |
| Criminal laws of the State, Act to amend.....                   | 84    | 1    | 109   |
| Criminal Court of Knox county, Act to establish, amended.....   | 97    | 1    | 119   |
| Crockett County, amending Act establishing.....                 | 26    | 2    | 31    |
| Cumberland County, time of holding Chancery Court of.....       | 40    | 1    | 42    |
| Current expenses of General Assembly, Act to pay.....           | 126   | 1    | 142   |

## D

|  |     |    |     |
|--|-----|----|-----|
| Davidson County, entitled to six Notaries Public.....                | 81  | 1  | 106 |
| Debt, State, Act to encourage retirement of.....                     | 116 | 1  | 134 |
| Debtors and creditors, in relation to non-residents.....             | 122 | 1  | 139 |
| Decisions of Supreme Court, not to be published in newspaper.....    | 94  | 1  | 117 |
| Decrees against Agricultural Bureau, for benefit of persons who have | 115 | 1  | 134 |
| Deeds of conveyance to lands in Ocoee District, Act for benefit of   |     |    |     |
| persons who have lost their.....                                     | 45  | 1  | 47  |
| Directors of Railroads, general powers of.....                       | 54  | 15 | 71  |
| Division, Ninth Chancery, Act to fix times and places of holding     |     |    |     |
| courts in.....   | 10  | 1  | 11  |
| Dog law, County Courts may levy tax, etc.....                        | 96  | 1  | 119 |
| Drummers, etc., to pay a privilege tax.....                          | 51  | 6  | 61  |

## E

|  |     |   |     |
|--|-----|---|-----|
| Eastern Division Fair at Knoxville, in relation to stockholders of.. | 37  | 1 | 40  |
| Elk River declared navigable.....                                    | 30  | 1 | 34  |
| Entry-Taker for Blount County, Acts of, legalized.....               | 28  | 1 | 32  |
| Entry-Taker and Register Ocoee District, fees of.....                | 45  | 4 | 48  |
| Etheridge County, Act to amend Act for formation of.....             | 93  | 1 | 116 |
| Exemption laws, Act to amend, and comprise them all in one Act       | 71  | 1 | 97  |
| Expenses of General Assembly, current, Act to pay.....               | 126 | 1 | 142 |
| Express Companies, in reference to.....                              | 17  | 3 | 19  |

## F

|   |     |    |     |
|---|-----|----|-----|
| Fair, Eastern Division, at Knoxville, in relation to stockholders of.         | 37  | 1  | 40  |
| Fair Ground, purchasers of, may have credit on judgment.....                  | 115 | 1  | 134 |
| Fayette County, game in, Act to protect.....                                  | 89  | 1  | 114 |
| Fees, Jail, sections 5430 and 5431 of Code, in relation to, amended           | 7   | 1  | 9   |
| Fees, Secretary of State allowed additional.....                              | 69  | 1  | 96  |
| Fees of Register and Entry-Taker in Ocoee District.....                       | 45  | 4  | 48  |
| Fentress County, line of, changed.....  | 68  | 1  | 95  |
| Floating debt of the State, Act to amend Act to fund.....                     | 20  | 1  | 22  |
| Fogg, Hon. F. B., Commissioner for sale of delinquent R. R's, etc.            | 43  | 1  | 45  |
| Forfeitures, etc., Act to more effectually secure the collection of...        | 83  | 1  | 109 |
| Former conviction in criminal cases a bar to any further conviction, etc..... | 27  | 3  | 32  |
| Franklin County attached to Middle Tennessee Land District.....               | 8   | 1  | 10  |
| “ line of, changed.....   | 18  | 1  | 20  |
| Freights in hands of common carriers, etc., may be sold.....                  | 17  | 2  | 19  |
| “ on railroads, limited, etc.....   | 54  | 15 | 72  |
| French, Jesse, allowance made to.....   | 126 | 3  | 146 |
| Fund, common school, Act increasing, etc.....                                 | 5   | 1  | 8   |
| “ the floating debt of the State, Act to amend the Act to.....                | 20  | 1  | 22  |
| “ school, Act to preserve.....  | 25  | 1  | 29  |
| “ Act to increase.....  | 96  | 1  | 119 |
| “ contingent, County Courts to provide, etc.....                              | 95  | 1  | 118 |

## G

|   | Chap. | Sec. | Page. |
|---|-------|------|-------|
| Game of Rutherford and Fayette counties, Act to preserve.....                 | 89    | 1    | 114   |
| Garnishment, what shall be exempt from.....                                   | 71    | 1    | 97    |
| Gates on public roads, Act to regulate width of.....                          | 33    | 1    | 37    |
| Gattinger, A., Act authorizing to make index, repealed.....                   | 41    | 1    | 43    |
| General Assembly, Act to pay the current expenses of the.....                 | 126   | 1    | 142   |
| Gibson county, Circuit and Chancery Courts of, jurisdiction of, extended..... | 24    | 1    | 29    |
| Giles county, Chancery Court of, time of holding.....                         | 55    | 2    | 76    |
| “ “ line of, changed.....   | 18    | 5    | 21    |
| Governor made a commissioner, etc.....  | 25    | 1    | 29    |
| “ may appoint temporary Judges, Chancellors and Attorneys-general.....        | 73    | 1    | 101   |
| Grainger county, line of, changed.....  | 118   | 1    | 136   |
| Grants, certain, to be registered.....  | 45    | 6    | 49    |
| “ etc., for benefit of persons who have lost their.....                       | 45    | 1    | 47    |
| Guardian, Act for appointment of public, amended.....                         | 114   | 1    | 133   |
| “ of Chas. D. and Jennie Craighead, for benefit of W. E. Owen.....            | 19    | 1    | 22    |

## H

|  |     |   |     |
|--|-----|---|-----|
| Hamilton county, Chancery Court in, time of holding.....       | 40  | 1 | 42  |
| “ “ County Court of, to have criminal jurisdiction..           | 82  | 1 | 107 |
| “ “ may endorse city bonds of Chattanooga, etc.....            | 64  | 2 | 84  |
| Hamblen county, Act to fix time of holding Chancery Court in.. | 101 | 1 | 122 |
| Hamblen and Hawkins counties, lines of, changed.....           | 92  | 1 | 115 |
| Hawkins and Hamblen “ “ “ ..                                   | 92  | 1 | 115 |
| Homestead, etc., exempt from execution or attachment.....      | 71  | 4 | 98  |
| Houston county, Act to establish.....                          | 46  | 1 | 49  |
| “ “ in relation to courts of.....                              | 75  | 1 | 102 |
| Howard, George A., allowance made to.....                      | 126 | 3 | 146 |

## I

|   |     |   |     |
|---|-----|---|-----|
| Improvement of State Penitentiary, in relation to.....            | 123 | 1 | 139 |
| Index, Act authorizing A. Gattinger, to make, repealed.....       | 42  | 1 | 43  |
| Interchange, Chancellors in certain cases may.....                | 34  | 1 | 37  |
| Incorporation, Chancery Courts may grant letters of.....          | 54  | 1 | 63  |
| Incorporated towns, etc., may levy and collect certain taxes..... | 50  | 1 | 58  |
| “ companies, certain, to pay tax.....                             | 51  | 5 | 60  |
| Inspection of tobacco, Act in relation to.....                    | 65  | 1 | 85  |
| Institution, Memphis Savings, Act to change name of.....          | 61  | 1 | 82  |
| Insurance companies, agents of, to pay tax.....                   | 51  | 4 | 60  |

## J

|  |     |    |     |
|--|-----|----|-----|
| Jackson, Chancery Court at, time of holding.....   | 39  | 1  | 39  |
| Jail fees, sections 5430 and 5431 of Code, in relation to, amended..                       | 7   | 1  | 9   |
| “ “ expenses of transporting prisoners to county, County Courts to provide for.....        | 95  | 1  | 118 |
| James county, Act to establish.....  | 66  | 1  | 90  |
| Jenny Lind tables, Act to license.....   | 4   | 1  | 7   |
| “ “ “ “ ..   | 125 | 1  | 140 |
| Judges, temporary, Governor may appoint.....   | 73  | 1  | 101 |
| Judges of Circuit Courts, duty of, etc.....  | 65  | 25 | 90  |
| Judge of Criminal Court of Montgomery county to hold Circuit Courts of Houston county..... | 75  | 1  | 102 |
| Jurisdiction of Chancery Courts, to prevent conflict in.....                               | 34  | 1  | 37  |
| Juries, Act in relation to boarding.....   | 120 | 1  | 137 |



|   | Chap. | Sec. | Page. |
|---|-------|------|-------|
| Jurors in criminal cases, to change qualification of.....         | 57    | 1    | 78    |
| Justice of the Peace, town of Chesnut Mound allowed an additional | 14    | 1    | 14    |
| “ “ “ Act to increase number of, in Knox county...                | 60    | 1    | 81    |

## K

|  |    |   |     |
|--|----|---|-----|
| Knoxville, Eastern Division Fair at, in relation to stockholders.. | 37 | 1 | 40  |
| Knox county, Act to increase number of J. P's in.....              | 60 | 1 | 81  |
| “ “ “ Act to establish a Criminal Court in, amended.....           | 97 | 1 | 119 |

## L

|  |     |   |     |
|--|-----|---|-----|
| LaFayette Academy, Trustees of, may sell, etc.....             | 86  | 1 | 111 |
| Land District of Middle Tennessee, Franklin county attached to | 8   | 1 | 10  |
| Lands inclosed, misdemeanor to enter, etc.....                 | 36  | 4 | 39  |
| Laws, criminal of the State, Act to amend.....                 | 84  | 1 | 109 |
| Lawrence county, line of, changed.....                         | 18  | 5 | 21  |
| Life, Act to preserve on railroads.....                        | 49  | 1 | 57  |
| Loudon county, Act to change line of.....                      | 53  | 1 | 63  |
| “ “ “ “ “ .....  | 118 | 2 | 136 |
| “ “ “ “ “ .....  | 18  | 6 | 21  |
| Loyal claims, parties to withdraw, without charge.....         | 48  | 1 | 57  |

## M

|  |     |   |     |
|--|-----|---|-----|
| Malicious mischief, etc., in relation to.....  | 36  | 1 | 39  |
| Marriages, Act to legalize certain.....  | 100 | 1 | 121 |
| Marshall county, line of, changed.....   | 121 | 1 | 138 |
| Maury “ “ “ .....  | 121 | 1 | 138 |
| McKinney, Hon. R. J., commissioner for sale of delinquent R. R's                                   | 43  | 1 | 45  |
| “ “ C. J., former Receiver of R. & J. R. R., directory to...                                       | 80  | 1 | 105 |
| Mediterranean & Oriental Steam Navigation Co., Act in relation to.                                 | 13  | 1 | 14  |
| Meigs county, time of holding Chancery Court in.....   | 41  | 1 | 42  |
| Members of General Assembly, to fix compensation of.....   | 85  | 2 | 110 |
| Memphis Savings Institution, to change name of.....  | 61  | 1 | 82  |
| Mesne and final process in courts of Shelby county, to regulate.....                               | 32  | 1 | 36  |
| Middle Tennessee Land District, Franklin county attached to.....                                   | 8   | 1 | 10  |
| Mineral Home R. R. Co., Act to protect interest of State by reason<br>of issuance of bonds to..... | 1   | 1 | 3   |
| Mischief, malicious, in relation to.....   | 36  | 1 | 39  |
| Misdemeanor, what shall be.....  | 36  | 4 | 39  |
| “ “ for collectors of revenue to violate certain Act.....  | 52  | 3 | 62  |
| “ “ not to have bell rope on R. R. passenger trains...   | 49  | 1 | 57  |
| Money, public, for the better security of.....   | 9   | 1 | 10  |
| Monroe county, Act to change line of.....  | 53  | 1 | 63  |
| “ “ Chancery Court at Madisonville, in, abolished....  | 56  | 1 | 77  |
| Morgan “ Wartburg the county site.....   | 108 | 1 | 127 |
| “ “ Acts of County Court of, legalized.....  | 108 | 1 | 127 |
| Montgomery county, amending Act establishing Criminal Court of.                                    | 63  | 1 | 83  |

## N

|   |    |   |     |
|---|----|---|-----|
| Navigable, Big Hatchie River declared to be.....                                  | 98 | 1 | 120 |
| Ninth Chancery Division, Act fixing times and places of holding<br>courts in..... | 10 | 1 | 11  |
| Notaries Public, to provide for the appointment of.....                           | 81 | 1 | 106 |
| “ “ defining meaning of Act in relation to.....                                   | 11 | 1 | 12  |

## O

|  |    |   |    |
|--|----|---|----|
| Oaths, Comptroller enabled to administer.....  | 70 | 1 | 96 |
| Ocoee District, Act for the benefit of persons who have lost their<br>grants in..... | 45 | 1 | 47 |



|  | Chap. | Sec. | Page |
|--|-------|------|------|
| Revenue, State, to provide for.....                                    | 51    | 1    | 60   |
| " " to regulate payment of.....  | 52    | 1    | 61   |
| Rhea county, Chancery Courts of, time of holding.....                  | 40    | 1    | 42   |
| Rights of common carriers, Act declaring.....                          | 17    | 1    | 19   |
| Rinks, skating, Act to increase State revenue by taxing .....          | 5     | 1    | 8    |
| " " " " " "  | 125   | 1    | 141  |
| River, Big Hatchie declared navigable.....                             | 98    | 1    | 120  |
| " Elk, " " " "   | 30    | 1    | 34   |
| Roads, public, to regulate width of gates on.....                      | 33    | 1    | 37   |
| Roane county, line of, changed.....                                    | 18    | 6    | 21   |
| " " " " " "  | 118   | 2    | 136  |
| Rural Academy, title of, vested in Trustees of Waverly High School     | 47    | 1    | 56   |
| Rutherford county, line of, changed.....                               | 18    | 4    | 21   |
| " " " " " "  | 117   | 1    | 135  |
| " " " to fix time of holding Circuit and Chancery                      |       |      |      |
| Courts in.....   | 22    | 1    | 24   |
| " " Criminal Court of, to change time of holding..                     | 55    | 1    | 76   |
| " " game in, Act to preserve.....                                      | 89    | 1    | 114  |
| " " in relation to criminal jurisdiction of Circuit                    |       |      |      |
| Court of.....  | 109   | 1    | 128  |
| <b>S</b>   |       |      |      |
| Sanderson, E. W., Entry-Taker, Blount Co., acts of, legalized.....     | 28    | 1    | 32   |
| Savings Institution, Memphis, Act to change name of.....               | 61    | 1    | 82   |
| School Fund, Act to preserve.....                                      | 25    | 1    | 29   |
| " " " to increase .....  | 96    | 1    | 119  |
| " Common, Act to reorganize and regulate, amended .....                | 110   | 1    | 129  |
| " teachers, Act for the relief of, etc.....                            | 87    | 1    | 112  |
| Scott county, line of, changed.....                                    | 91    | 1    | 115  |
| Securities-co, Act in relation to rights of.....                       | 99    | 1    | 121  |
| Secretary of State, Comptroller, Treasurer and Governor, made          |       |      |      |
| Board of Commissioners, to examine, etc.....                           | 25    | 1    | 29   |
| Secretary of State, Act for the relief of.....                         | 68    | 1    | 96   |
| Secretary and Comptroller, to settle with Public Printer.....          | 126   | 24   | 149  |
| Sheriffs or other officers conveying prisoners to Penitentiary, to fix |       |      |      |
| the pay of.....  | 6     | 1    | 8    |
| " Act for the benefit of.....  | 38    | 1    | 40   |
| " and Constables, Act for the protection of.....                       | 74    | 1    | 101  |
| Shelby county, Tax-Collector of privileges of, compensation of.....    | 21    | 1    | 23   |
| " " " to regulate return of mesne and final process in                 |       |      |      |
| courts of.....   | 32    | 1    | 36   |
| " " entitled to as many Notaries Public as the County                  |       |      |      |
| Court chooses to elect .....   | 81    | 1    | 106  |
| Skating Rinks, Act to increase revenue by taxing.....                  | 5     | 1    | 8    |
| " " " " " "  | 125   | 1    | 140  |
| Speaker of Senate and House of Representatives, Act directory to..     | 38    | 1    | 38   |
| Spencer, Chancery Court at, time of holding.....                       | 31    | 2    | 41   |
| State debt, Act to amend An Act to fund floating.....                  | 20    | 1    | 23   |
| State's interest in delinquent railroads, to provide for sale of.....  | 22    | 1    | 25   |
| State Revenue, Act to provide for.....                                 | 51    | 1    | 60   |
| " " " to regulate payment of, into Treasury.....                       | 52    | 1    | 61   |
| " to purchase delinquent railroads under certain circumstances..       | 105   | 1    | 126  |
| Street Railroads, granting further time to commence construction of    | 11    | 1    | 13   |
| Subpoenas or summons, certain, cost of service of process to be paid   |       |      |      |
| in advance.....  | 74    | 1    | 101  |
| Sullivan County, lines of, Act to establish.....                       | 41    | 1    | 43   |
| Suits in Circuit Courts, Attorney-general to institute against Rail-   |       |      |      |
| road Receivers, etc.....   | 2     | 1    | 5    |
| " Act to remove, to new counties, etc.....                             | 112   | 1    | 131  |
| Superintendent of Public Instruction, office of, created.....          | 107   | 1    | 127  |



## RESOLUTIONS.



|   | No. | Page. |
|---|-----|-------|
| <b>Acts and Journals</b> , in reference to printing and distributing..... | 45  | 180   |
| <b>Adjournment <i>sine die</i></b> , to provide for.....                  | 30  | 170   |
| <b>Attorney-general</b> , directory to.....                               | 2   | 151   |
| “       duty of.....  | 19  | 163   |
| “       Directory to.....   | 39  | 177   |
| “       “.....  | 47  | 181   |

## B

|   |    |     |
|---|----|-----|
| Bank of Tennessee, committee to investigate affairs of.....   | 16 | 160 |
| “ “ “ “ “ .....   | 19 | 163 |
| “ “ “ appointed to destroy notes of.....                      | 31 | 171 |
| Baxter, John, charges of, should not have been preferred..... | 42 | 179 |
| Blackburn, G. W., Comptroller to pay \$4,687.50.....          | 21 | 165 |

## C

|  |    |     |
|--|----|-----|
| Capitol, basement of, use of, granted to Good Samaritans.....              | 11 | 158 |
| “ to protect.....  | 43 | 179 |
| “ Directory to Superintendent of.....                                      | 44 | 180 |
| Carroll Monument, Governor and Sec’y of State to have, repaired.....       | 27 | 168 |
| Charters, committee to draft bill on subject of.....                       | 9  | 156 |
| Clerks of General Assembly, directory to.....                              | 28 | 169 |
| Clerks of both Houses, rescinding joint resolution directory to.....       | 37 | 176 |
| Comptroller, authorized to take possession of room of Weights and Measures | 26 | 167 |
| Comptroller, directory to.....   | 51 | 184 |
| “ directory to.....  | 35 | 173 |
| “ directory to.....  | 32 | 171 |
| “ directory to, in regard to Receivers, etc.....                           | 22 | 165 |
| “ directory to.....  | 1  | 151 |
| “ directory to.....  | 3  | 152 |
| “ directory to.....  | 11 | 157 |
| “ directory to.....  | 14 | 159 |
| “ directory to.....  | 17 | 160 |
| “ directory to.....  | 21 | 164 |
| “ directory to.....  | 38 | 176 |
| “ duty of.....   | 6  | 154 |
| Convention Journals, Librarian may sell copies of.....                     | 34 | 173 |

## E

|  |    |     |
|--|----|-----|
| East Tennessee University at Knoxville, appointing Trustee of..... | 40 | 177 |
|--|----|-----|

## G

|   |    |     |
|---|----|-----|
| Greeneville and Warm Springs T. P. Co., directory to commissioners of.. | 36 | 175 |
| Governor, committee to inform, of organization, etc.....                | 8  | 155 |
| “ directory to.....   | 24 | 166 |

|   | No. | Page. |
|---|-----|-------|
| Governor and Sec'y of State to have Carroll Monument repaired.....                          | 27  | 168   |
| "    to issue arms to certain institutions.....   | 33  | 172   |
| "    tendering thanks to.....   | 48  | 182   |
| <b>H</b>  |     |       |
| Hall of House of Representatives, use of, granted Alumni of University<br>of Nashville..... | 50  | 183   |
| Henry, J. R., former Treasurer, committee to investigate.....                               | 10  | 156   |
| <b>I</b>  |     |       |
| Immigration to the State, favoring.....   | 49  | 182   |
| Incorporations, committee to draft general bill on.....                                     | 19  | 156   |
| <b>J</b>  |     |       |
| Journals of Convention, Librarian may sell copies of.....                                   | 34  | 173   |
| <b>L</b>  |     |       |
| Lanier, B., committee to investigate charges against.....                                   | 20  | 164   |
| Librarian, State, directory to.....   | 4   | 153   |
| "    may sell copies of Convention Journals.....  | 34  | 173   |
| "    authorizing, to procure book cases.....  | 23  | 166   |
| Loan, temporary, Treasurer authorized to effect.....  | 18  | 161   |
| <b>P</b>  |     |       |
| Perkins, Speaker, thanks to.....  | 7   | 154   |
| <b>R</b>  |     |       |
| Railroad, Tennessee and Pacific, directory to President and Directors of.....               | 29  | 169   |
| Recess of the two Houses, providing for.....  | 15  | 159   |
| Rust, J. E., former Treasurer, committee to investigate.....                                | 10  | 156   |
| <b>S</b>  |     |       |
| School Fund, T. R. Smith to commence suits for recovery of.....                             | 41  | 178   |
| Secretary of State, directory to.....   | 5   | 153   |
| "    "    to consider report of.....  | 13  | 158   |
| "    "    and Governor, to have Carroll Monument repaired..                                 | 27  | 168   |
| Smith, T. R., to commence suits for recovery of school fund.....                            | 41  | 178   |
| State Librarian, directory to.....  | 4   | 153   |
| <b>T</b>  |     |       |
| Tax-payers, for protection of.....  | 19  | 163   |
| Tenn. and Pacific R. R., directory to President and Directors of.....                       | 29  | 169   |
| Thomas, Speaker, thanks to.....   | 7   | 154   |
| Treasurer, State, clerk allowed.....  | 47  | 181   |
| "    directory to.....  | 25  | 167   |
| "    authorizing, to effect a temporary loan.....   | 18  | 161   |
| Treasurers, J. R. Henry and J. E. Rust, committee to investigate.....                       | 10  | 156   |
| Turnpike Companies, directory to President and Directors of.....                            | 6   | 154   |
| "    "    Warm Springs, directory to comm'rs of.....  | 36  | 175   |
| <b>U</b>  |     |       |
| Union University of Nashville, to furnish arms to.....                                      | 24  | 166   |
| University, East Tennessee, appointing Trustee of.....                                      | 40  | 177   |

### **ERRATA.**

The Acts and Resolutions passed prior to the first Monday in December, should have appeared in the Acts of 1870; but they were not deposited in my office till after they were published. The errata mentioned in Resolution No. 5, page 153, appears in the Acts of 1870.

**T. H. BUTLER,**

*Secretary of State.*













